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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1190 of 2025
In
W.P.(MD)No.5218 of 2021

Florence Chandra,
B.T.Assistant (Maths),
SCMS Girls Higher Secondary School,
Sachiapuram,
Sivakasi,
Virudhunagar District. Petitioner/Petitioner

Vs

1.Mr.S.Kannappan,
The Director of School Education,
O/o.The Director of School Education,
DPI Compound,
College Road,
Chennai.

2.Mr.D.Raman,
The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar District.

3.Mr.V.Thiruppathi,
The District Educational Officer,
O/o.The District Educational Office,
Sivakasi,
Virudhunagar District.

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4.Mr.G.Sashikumar,
The Correspondent,
SCMS Girls Higher Secondary School,
Sachiapuram,
Sivakasi,
Virudhunagar District. Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/ Respondents for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.5218 of 2021, dated 11.03.2021.

For Petitioner : Mr.J.Jabezam Goodley

For R-1 to R-3 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 11.03.2021 passed by this Court in W.P.(MD)No.5218 of 2021.

2. Heard Mr.J.Jabezam Goodley, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader who accepts notice on behalf of the Respondents 1 to 3. Therefore, no further notice is required to be issued to the Respondents 1 to 3.

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3. When the matter was taken up on 17.06.2025, this Court passed the following order:

> *"2. The Contempt Petition has been filed for non compliance of the judgment and order passed by the Writ Court in W.P.(MD)No.5218 of 2021 dated 11.03.2021 and the learned Single Judge of this Court allowed the said Writ Petition in the following terms:*
>
> > *"5. In the light of the above observations, the fourth respondent Management is granted liberty to make an appropriate proposal to the third respondent herein, recommending the candidature of the petitioner herein for grant of incentive increment for having possessed his higher educational degree. On receipt of such a proposal, the third respondent herein, shall positively consider the same, if not otherwise disqualify, in the line of the observations made by this Court and extend the benefit of incentive increment, atleast within a period of twelve (12) weeks from the date of receipt of the proposal.*
> >
> > *6. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."*
>
> *3. The learned counsel for the Petitioner further submits that despite the judgment and order passed by the Writ Court dated 11.03.2021 in W.P.(MD)No.5218*

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of 2021, the Respondents have not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents are in contempt and they may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

4. Upon perusing the judgment and order passed by this Court dated 11.03.2021 in W.P.(MD)No.5218 of 2021 as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not complied with the orders of the Writ Court, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the order of the Writ Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance with the said orders.

5. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, request time to ensure compliance with the judgment and order of the Writ Court dated 11.03.2021 in W.P.(MD)No.5218 of 2021. He also assure this Court that whatever order is passed by this Court will be fully complied with and

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requests three weeks time to ensure compliance with the said order.

6. In view of the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 to 3, this Court grants the Respondents a final opportunity to comply with the judgment and order of this Court dated 11.03.2021 in W.P.(MD)No. 5218 of 2021, without fail, within a period of three weeks from today. The 4th Respondent is also directed to comply with the order of the Writ Court dated 11.03.2021 in W.P.(MD) No. 5218 of 2021. The Petitioner is directed to serve a copy of this order personally on the 4th Respondent and also take steps to send it by registered post within a period of one week from today. The Respondents are directed to communicate the decision taken by them to the Petitioner and to file an affidavit of compliance in this regard within a period of three weeks from today. Failure to comply with this order within the stipulated timeframe will require the Respondents to appear in person before this Court on the next date fixed to justify why the Writ Court's order has not been complied with.

7. Put up this case on 15.07.2025 "For Further Orders" before this Court.

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8. Let a copy of this order is given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents."

4. Today, when the matter was taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader, submitted that the respondents had preferred a Writ Appeal bearing W.A.(MD)No.1937 of 2025 against the judgment and order passed by the learned Single Judge of the Writ Court dated 11.03.2021, in W.P.(MD)No.5218 of 2021. He further submitted that the Hon'ble Division Bench of this Court, vide judgment and order dated 15.07.2025, partly allowed the Writ Appeal, thereby modifying the judgment and order of the learned Single Judge. He stated that the order had not been uploaded in the official website of this Court, as it was passed only on 15.07.2025, and to that effect, he produced a copy of the case status report, which is now taken on record. He requested six weeks time from today to make compliance with the direction issued by the Appellate Court and assured that the respondents would communicate the decision taken by them to the petitioner. Therefore, he prayed that the respondents

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may be discharged from the present contempt proceedings and the contempt petition may also be disposed of.

5. Mr.J.Jabezam Goodley, learned counsel for the Petitioner, submitted that the respondents had preferred a Writ Appeal in W.A.(MD)No.1937 of 2025 against the judgment and order passed by the learned Single Judge of the Writ Court dated 11.03.2021, in W.P.(MD)No. 5218 of 2021 and the Division Bench of this Court, vide judgment and order dated 15.07.2025, partly allowed the Writ Appeal, modifying the judgment and order of the learned Single Judge. He further submits that as assured by the learned Additional Government Pleader that the Appellate Court's judgment would be complied with within six weeks, Mr.J.Jabezam Goodley stated he had no objection to discharging the respondents from the present contempt proceedings and prays this Court to dispose of the present contempt petition accordingly.

6. Considering the submissions made by the learned counsel for the parties and after perusal of the case status report in W.A.(MD)No.1937 of 2025 dated 15.07.2025 and the assurance given by the learned Additional

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Government Pleader to comply with the Appellate Court's judgment within six weeks and communicate the decision to the Petitioner, this Court finds no useful purpose would be served in continuing the contempt proceedings. Therefore, this Court deems it appropriate to drop the contempt proceedings against the Respondents. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.

7. In view of the above, the Contempt Petition is **disposed of** at this stage. The file shall be consigned to the records. There shall be no order as to costs.

16.07.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

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To:

1.The District Educational Officer,
Thoothukudi Educational District,
Thoothukudi District.

2.The Block Educational Officer,
Karunkulam Union,
Thoothukudi Educational District,
Thoothukudi District,
Formerly Known as,
Additional Assistant,
Elementary Educational Officer,
Karunkulam Union,
Thoothukudi District.

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SHAMIM AHMED, J.

Nsr

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https://www.mhc.tn.gov.in/judis