

Cont.P.(MD) No.1067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Cont.P (MD) No.1067 of 2024

in

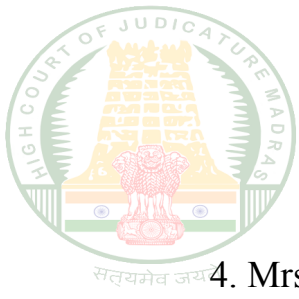
W.P.(MD).No.20747 of 2023

H.Heline Ronica Jesubell

... Petitioner/Petitioner

Vs.

1. Mrs.Kakarla Usha,
Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
2. Mr.Arivoli
Director of School Education,
DPI Compound,
College Road, Chennai.
3. Mr.Chinnarasu,
Chief Educational Officer,
Tirunelveli,
Tirunelveli District.



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4. Mrs.Thayapathinaltham,
District Educational Officer,
Valliyoor,
Tirunelveli District.

... Contemnors / respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the respondents for their wilful and deliberate disobedience of the order of this Court in WP.(MD).No.20747 of 2023 dated 26.09.2023.

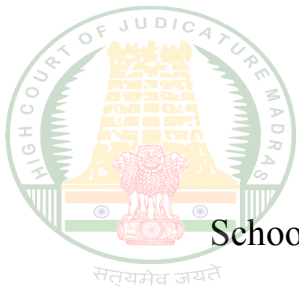
For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.V.Ohm Prakash
Government Advocate

ORDER

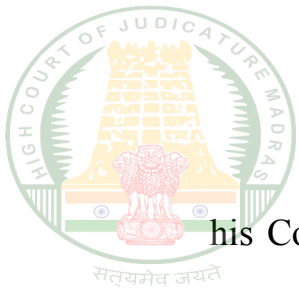
This Contempt Petition is filed to to punish the respondents for their wilful and deliberate disobedience of the order of this Court in WP. (MD).No.20747 of 2023 dated 26.09.2023.

2. The petitioner was appointed to a sanctioned regular post in a vacancy that arose due to the transfer of one T.Vethamani Jebakumar, who worked as a Physical Education Teacher (PET) at the fifth respondent



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School, as PET teacher from 04.06.2019. Subsequently, the fifth respondent School sent a proposal for the appointment of the petitioner to be sanctioned to the fourth respondent, vide proceedings, dated 02.07.2019. On receipt of the same, the fourth respondent rejected the said proposal, vide impugned order, dated 26.07.2021. Challenging the same, the writ petition in W.P.(MD)No.20747 of 2023, was filed before this Court and this Court by order dated 26.09.2023, set aside the impugned order dated 26.07.2021 and directed the petitioner to submit a fresh representation to the fifth respondent School. The fifth respondent School was further directed to submit a fresh proposal seeking approval for the appointment of the petitioner **with effect from 04.06.2019**, immediately on receipt of the copy of this order. The fifth respondent on receipt of the same, was further directed to forward the same to the fourth respondent and on receipt of the same, the fourth respondent was directed to forthwith appoint the petitioner with effect from 04.06.2019. It was made clear that the said appointment was subject to the outcome of the order to be passed by the Hon'ble Apex Court in S.L.P.(C)No.15702 of 2021. Since the said order was not complied, contempt notice was issued along with copy of the order in W.P. (MD)No.20747 of 2023 dated 26.09.2023 to the third respondent, through



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his Counsel on 16.04.2024 and the same was received by the respondents.

Even thereafter, the order of this Court was not complied. Hence, this Contempt Petition came to be filed by the petitioner before this Court.

3. When the matter came up for admission on 12.07.2024, the same was posted to 11.09.2024. On the said date, since the order of this Court was not complied, statutory notice was directed to be issued on the third contemnor and it was made clear that if the contemnor comply with the order, then it is not necessary for him to appear before this Court on 13.11.2024. Even, on 13.11.2024, the third respondent/contemnor without complying with the order appeared before this Court. Since the statutory notice was not issued by the Registry till then, the Registry was further directed to issue statutory notice to the third respondent/contemnor, without dispensing the appearance of the third respondent and the matter was further adjourned to 27.11.2024. On 27.11.2024, the learned Government Advocate Mr.T.Amjadkhan, categorically undertook that the order will be complied with and sought for dispensing the appearance of the third respondent and required to post the case “for compliance”, on 11.12.2024. The matter further came up for hearing on 11.12.2024. Even thereafter, the



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respondents did not turn up to comply with the order.

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4. When the matter came up for hearing today i.e., on 19.02.2025, the learned Government Advocate, Mr.Ohm Prakash, submitted that the order of this Court has been complied with, approving the appointment of the petitioner with effect from 01.08.2024 instead of 04.06.2019. When the order of this Court was to approve the appointment of the petitioner with effect from 04.06.2019, I find that the respondents have wantonly disobeyed the order passed by this Court by approving the appointment of the petitioner only from 01.08.2024.

5. I am of the considered opinion that this would amount to willful disobedience of the order passed by this Court. When a court of law passes an order in a writ petition, it is the bounden duty of the statutory authorities to implement the same. Turning deaf eared to the orders of this Court would amount to mocking the proceedings of this Court. The conduct of the third respondent/contemnor amounts to disobedience of the order of this Court and would attract civil contempt, as it is coupled with the willful conduct of the contemnor to disregard the order of this Court, by failing to



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approve the appointment of the petitioner with effect from 04.06.2019. If everybody is allowed to disobey the order of this Court, there would not be any harmony and only anarchy would prevail.

6. In the present case as elaborated above, the act of the contemnor / 3rd respondent is not only a violation but shows disregard and causes disobedience of the order of this Court. Unless, this Court invokes its inherent power of contempt, the pride and majesty of this Court would be jeopardized. The act of the contemnor / 3rd respondent is a sheer disobedience and exhibit his high-handedness and utter dis-regard for the sanctity of this Court. I cannot remain a mute spectator for this kind of attitude of the statutory authorities.

7. Accordingly, the contempt petition is allowed, holding that the third respondent / contemnor had committed contempt of Court. The third respondent / contemnor is liable to be sentenced to undergo simple imprisonment for a period of one week and and to pay a fine of Rs.5000/-. In case of default, he shall further undergo a simple imprisonment for a period of another three days. The third respondent/contemnor is also



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directed to surrender before the Registrar (Judicial), Madurai Bench of Madras High Court on or before 26.02.2025, for taking further action in accordance with the provisions of Contempt of Courts Act 1971.

19.02.2025

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

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St.George Fort, Chennai.
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L.VICTORIA GOWRI, J.

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