



CONT.P(MD)No.867 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.867 of 2022

in

W.P.(MD) No.5553 of 2016

P.Ajitha  
Post Graduate Assistant in English,  
Sree Devi Girls Higher Secondary School,  
Kollemcode 629 160,  
Kanyakumari District.

... Petitioner

vs.

1.Karkala Usha,  
The State of Tamil Nadu,  
rep by its Secretary,  
Department of School Education,  
Fort St.George, Chennai 600 009.

2.Dr.S.Kannapan,  
The Director of School Education,  
College Road,  
Chennai 600 006.

3.Pukazanthi,  
The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.

4.K.Ramachandran Nair,  
The District Educational Officer,  
Kuzhithurai,  
Kanyakumari District.

... Respondents



CONT.P(MD)No.867 of 2022

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondents herein for their deliberate and wilful disobedience of the order of this Court dated 25.10.2021 in W.P.(MD) No.5553 of 2016 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.

For Petitioner :Mr.Defin Jeenath for  
M/S.ISSAC Chambers

For Respondents :Mr.R.Baskaran,  
Additional Advocate General assisted by  
Mr.D.Sadiq Raja  
Additional Government Pleader

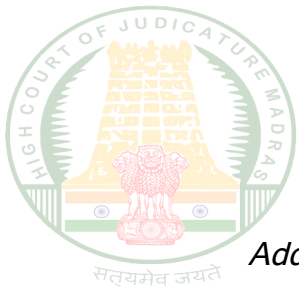
### **ORDER**

This Contempt Petition has been filed with the prayer that the respondents/contemnors have not complied with the judgment and order passed by the Writ Court in W.P.(MD) No.5553 of 2016, dated 25.10.2021.

2.Heard Mr.Defin Jeenath for M/S.ISAAC Chambers, learned counsel for the petitioner and Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader, for the Respondents.

3.This Court, vide order, dated 26.06.2025, had passed the following order:-

*“ Heard Mr.K.Ragatheesh Kumar, learned counsel for M/s.Isaac Chambers, appearing for the Petitioner, Mr.R.Baskaran, learned*



CONT.P(MD)No.867 of 2022

*Additional Advocate General, assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.*

*2.This Contempt Petition has been filed for non compliance of the common judgment and order dated 25.10.2021 passed in W.P. (MD)No.5553 of 2016 along with other Writ Petitions in W.P.(MD)Nos. 10063 of 2012 and 2228 of 2017. The learned Single Judge of this Court allowed the said Writ Petitions in the following terms: "19.Hence, in exercise of the power under Article 226 of Constitution of India, this Court is inclined to allow all the Writ Petitions. Accordingly, these Writ Petitions are allowed in the following lines:*

*19.1.The order impugned in W.P.(MD)No.10063 of 2012 is quashed and the respondents are directed to approve the promotion of petitioner as Higher Secondary Headmistress in Sree Devi Girls Higher Secondary School, Kollancode, with effect from 01.06.2004 and to count the service of the petitioner as in-charge of the Headmistress of the School from 01.06.2004 to 30.06.2010 and confer her all the monetary benefits, which are due for the period from 01.06.2004 to 30.06.2010, which shall also enable her to get the retirement benefits refixed accordingly. The respondents shall disburse the monetary benefits.*

*19.2.The order impugned in W.P.(MD)No.5553 of 2016, insofar it relates to the petitioner is quashed. The respondents 3 to 5 are directed to approve the appointment of the petitioner as P.G.Assistant (English) in the fifth respondent School with effect from 01.06.2004 with all attendant benefits including salary and allowances from the date of her appointment. The respondents shall disburse the salary and other benefits accordingly.*



*19.3. In view of the passed order in W.P.(MD)No.5553 of 2016 and the reasons stated above, the order impugned in W.P.(MD)No. 2228 of 2017, dated 16.09.2016 is quashed. However, no further direction is necessary in view of the direction already issued by this Court in W.P.(MD) No.5556 of 2016.*

*19.4. The entire exercise shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”*

*3. The learned counsel for the Petitioner submits that against the judgment and order passed by the Writ Court dated 25.10.2021 in W.P. (MD)No.5553 of 2016, the Respondents have preferred Writ Appeal bearing W.A. (MD)No.1300 of 2022 before the Division Bench of this Court and the same is still pending without any interim order. The learned counsel further submits that this is a ploy adopted by the Respondents to frustrate the contempt proceedings and evade compliance with the judgment and order passed by the Writ Court dated 25.10.2021 in W.P.(MD)No.5553 of 2016. He submits that the Respondents cannot get any indulgence or sympathy from this Court since no interim order has been passed in the Writ Appeal and the appeal is pending for the past 3 years and no steps have been taken by the Respondents to pursue the Writ Appeal. The Respondents are simply taking the plea that the Writ Appeal has been filed to frustrate the purpose of the contempt proceedings. The learned counsel therefore submits that the Respondents failure to comply with the directions of the Writ Court amounts to wilful and deliberate disobedience, and the Respondents are in contempt. He requests that the Respondents may be summoned before this Court and punished for*



*committing contempt under Sections 11 and 12 of the Contempt of Courts Act, 1971.*

*4.Upon perusing the judgment and order passed by the Writ Court dated 25.10.2021 in W.P.(MD)No.5553 of 2016 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 this Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance with the said orders.*

*5.At this juncture, Mr.R.Baskaran, the learned Additional Advocate General, requests time to ensure compliance with the judgment and order of the Writ Court dated 25.10.2021, in W.P. (MD)No.5553 of 2016. He also assures this Court that whatever order is passed by this Court will be fully complied with and requests four weeks time to pursue the Writ Appeal which is pending before the Division Bench of this Court.*

*6.This Court, after hearing the submissions made by the learned counsel for the parties, and after perusing the judgment and order passed by the Writ Court dated 25.10.2021 and the submissions made by learned Additional Advocate General that Writ Appeal is pending, is of the view that mere filing of a Writ Appeal does not confer any benefit upon the Respondents, specifically since no interim order was passed in the Writ Appeal. It appears that the appeal was filed solely as a ploy to frustrate the judgment and order passed by the Writ Court.*

*7.In view of the assurance made by the learned Additional Advocate General, this Court grants the Respondents a final opportunity to pursue the said Writ Appeal within a period of four weeks from today. If no order is passed in the Writ Appeal and order of the*



CONT.P(MD)No.867 of 2022

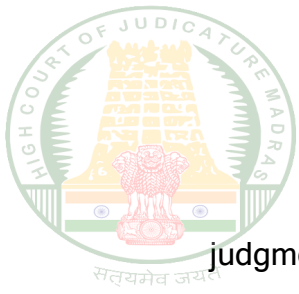
WEB COPY

*Writ Court is not complied with, this Court will proceed to initiate contempt proceedings against the Respondents for noncompliance with the judgment and order of the Writ Court dated 25.10.2021, in W.P. (MD)No.5553 of 2016. In the event the judgment and order of the Writ Court is complied with, the Respondents are directed to communicate their decision to the Petitioner and file an affidavit of compliance on the next date fixed. If any interim order is passed in the Writ Appeal, the Respondents are directed to communicate the same before this Court on or before the next date fixed by way of filing an affidavit.*

*8.Put up this case on 05.08.2025 "For Further Orders" before this Court.*

*9.Let a copy of this order be given to Mr.R.Baskaran, learned Additional Advocate General and Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents"*

4.Today, when the matter is taken up, Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents submits that challenging the judgment and order passed in W.P.(MD) No.5553 of 2016, dated 25.10.2021, the respondents have preferred an appeal bearing W.A.(MD) No.1300 of 2022, before this Court, which was partly allowed by the Hon'ble Division Bench of this Court along with W.A.(MD) No.1930 of 2023, by making observations in Paragraph Nos.7 and 8, vide judgment and order, dated 22.07.2025 and the judgment and order of the learned single Judge in W.P. (MD) No.5553 of 2016, dated 25.10.2021 was modified. A copy of the



CONT.P(MD)No.867 of 2022

judgment and order in W.A.(MD) Nos.1300 of 2022 and 1930 of 2023 has been produced before this Court, which is taken on record, and a copy of the same has also been given to the learned counsel for the petitioner.

5.The observation made by the appellate Court in paragraph Nos.7 and 8 of the judgment and order, dated 22.07.2025, reads as under:-

*“7.Even though Kumari Girija retired on 30.06.2010, she was reemployed and she continued to work till 31.05.2011. Thus, vacancy arose in the post of P.G.Assistant (English) only on the said date. Following the resolution of the interse management disputes, a school committee came to be formed and the said committee subsequently appointed Ajitha as P.G.Assistant (English) with effect from 01.06.2011. Proposal in this regard was also submitted to the department. We direct the department / competent authority to approve the appointment of Ajitha as P.G.Assistant (English) with effect from 01.06.2011 and disburse all the consequential monetary benefits. The benefits payable to her shall be settled within a period of twelve weeks from the date of receipt of a copy of this order.*

*8.In this view of the matter, the order of the learned Single Judge made in W.P.(MD)No.5553 of 2016 is modified and W.A.(MD)No.1300 of 2022 is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.”*

6.Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents assures this Court the direction issued by the appellate Court in W.A.(MD) No.1300 of 2022 and 1930 of 2023, dated 22.07.2025, will be complied with by the respondents without any further delay within the time granted by the appellate Court. Thus, he submits that the respondents may be discharged



CONT.P(MD)No.867 of 2022

from the present contempt proceedings and the present Contempt Petition may also be disposed of, accordingly.

WEB COPY

7.Mr.Defin Jeenath for M/S.ISAAC Chambers, learned counsel for the petitioner submits that he has received a copy of the judgment and order of the appellate Court in W.A.(MD) Nos.1300 of 2022 and 1930 of 2023, dated 22.07.2025 and submits that he has no objection if the respondents are discharged from the present contempt proceedings, as the judgment and order of the learned single judge of the Writ Court in W.P.(MD) No.5553 of 2016, dated 25.10.2021 was modified by the appellate Court, vide judgment and order, dated 22.07.2025 in W.A.(MD) No.1330 of 2022 and the present Contempt Petition may also be disposed of accordingly.

8.Accordingly, in view of the submissions made by the learned counsel for the parties and after perusal of the judgment and order of the learned single judge of the Writ Court in W.P.(MD) No.5553 of 2016, dated 25.10.2021 and the appellate Court in W.A.(MD) Nos.1300 of 2022 and 1930 of 2023, dated 22.07.2025 and also as per the assurance given by Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents that the direction issued by the appellate Court in W.A.(MD) Nos.1300 of 2022 and 1930 of 2023, dated 22.07.2025, will be complied with by the respondents



CONT.P(MD)No.867 of 2022

without any further delay within the time granted by the appellate Court, this Court is of the view that no useful purpose will be served in continuing with the present contempt proceedings against the respondents at this stage.

9. Accordingly, this Contempt Petition is disposed of at this stage and the respondents are discharged from the present contempt proceedings at this stage. This Court hope and trust that the direction issued by the appellate Court in W.A.(MD) No.1300 of 2022 and 1930 of 2023, dated 22.07.2025, shall be complied with by the respondents without any further delay within the time granted by the appellate Court. The file is consigned to record. No costs.

Index :Yes / No  
Internet :Yes / No

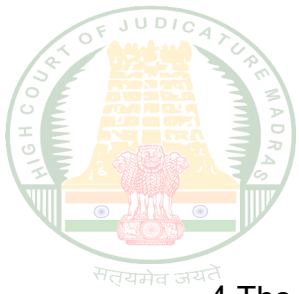
07.08.2025

mm

To

1. Secretary,  
Department of School Education,  
Fort St. George, Chennai 600 009.
2. The Director of School Education,  
College Road,  
Chennai 600 006.
3. The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.

9/11



CONT.P(MD)No.867 of 2022

4.The District Educational Officer,  
Kuzhithurai,  
Kanyakumari District.



WEB COPY



CONT.P(MD)No.867 of 2022

**SHAMIM AHMED, J.**

mm

CONT.P(MD) No.867 of 2022

07.08.2025