



Contempt Petition (MD)No.1127 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1127 of 2023

In

W.P.(MD)No.4919 of 2020

Ms.M.Janci Sagaya Leeli,
Holy Cross Girls Higher Secondary School,
Teppakulam,
Trichy – 620 002.

Petitioner/Petitioner

Vs

1.Mr.M.Sivakumar,
The Chief Educational Officer,
The Office of the Chief Educational Officer,
Trichy – 620 002.

2.Mrs.S.Selvi,
The District Educational Officer,
The Office of the District Educational Officer,
Trichy – 620 001.

Contemnors/Respondents 3 & 4

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/ Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No. 4919 of 2020, dated 02.09.2022.



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For Petitioner : Mr.FR.S.Savarimuthu
For M/s.Father Xavier Associates
For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 02.09.2022 passed by this Court in W.P.(MD)No.4919 of 2020.

2. Heard Mr.FR.S.Savarimuthu, learned counsel for M/s.Father Xavier Associates, appearing for the Petitioner and Mr.F.Deepak, learned Special Government Pleader appearing for the Respondents.

3. When the matter was taken up on 17.03.2025, this Court passed the following order:

“2. Mr.F.R.S.Savarimuthu, learned counsel for M/s. Father Xavier Associates, appearing for the Petitioners, submits that the Private Aided Minority and Non-



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Minority Schools have appointed various teaching staff members in their Institutions. However, the proposals sent by the School Management to the concerned Educational Authority seeking approval for the appointment of the teachers have been rejected. The Petitioners are among the teachers whose appointments as B.T. Assistant (Tamil) and B.T. Assistant (Maths) were not approved. Aggrieved by this, the Petitioners, along with other similarly aggrieved teachers, have filed a bunch of writ petitions in W.P(MD) Nos. 7051 of 2020, etc., batch, and the Petitioners' writ petitions are W.P. (MD) Nos. 4917 and 4919 of 2020, respectively. The learned Single Judge of this Court vide common judgment and order dated 02.09.2022 allowed the said Writ Petitions. For better appreciation, the relevant portion of the order is reproduced below:

“W.P.(MD)No.4917 of 2020:

Accordingly, the impugned order dated 21.10.2019 on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the concerned Educational Authorities to forthwith pass orders, approving the appointment of the petitioner to the post of B.T.Assistant (Tamil), in the fifth respondent school with effect from 07.10.2017, together with all service and monetary benefits within a period of four (4) weeks, from the date of receipt



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of a copy of this order.

W.P.(MD)No.4919 of 2020:

Accordingly, the impugned order dated 21.10.2019, on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the concerned Educational Authorities to forthwith pass orders, approving the appointment of the petitioner to the post of B.T.Assistant (Maths), in the fifth respondent school with effect from 02.07.2018, together with all service and monetary benefits within a period of four (4) weeks, from the date of receipt of a copy of this order.”

.....

8. The writ petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.”

3. The learned counsel for the Petitioners further submits that despite the judgment and order passed by this Court dated 02.09.2022 in W.P.(MD)Nos.4917 and 4919 of 2020, 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



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this Court dated 02.09.2022 in W.P.(MD)Nos.4917 and 4919 of 2020 as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not complied with the orders of this 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. Mr.F.Deepak, learned Special Government Pleader for the Respondents, submits that proceedings are ongoing to comply with the judgment and order of this Court dated 02.09.2022 in W.P.(MD)Nos.4917 and 4919 of 2020. They also assure this Court that whatever order is passed by this Court will be fully complied with and requests two weeks' time to ensure compliance with the said order.

6. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader for the Respondents, this Court grants the Respondents a final opportunity to comply with the judgment and order of this Court dated 02.09.2022 in W.P.(MD)Nos.4917 and 4919 of 2020, without fail, within two weeks from today. The



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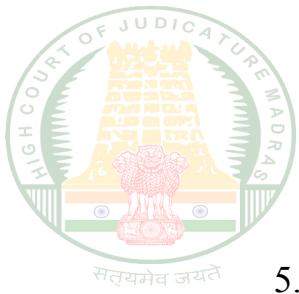
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Respondents are directed to communicate the decision taken by them to the Petitioners and to file an affidavit of compliance in this regard within a period of two weeks from today. Failure to comply with the said order within the stipulated time frame will require the personal appearance of the Respondents before this Court on the next date fixed.

7. Put up this case on 16.04.2025 “For Orders”.

8. Let a copy of this order is given to Mr.F.Deepak, learned Special Government Pleader for its necessary compliance and information to the Respondents.”

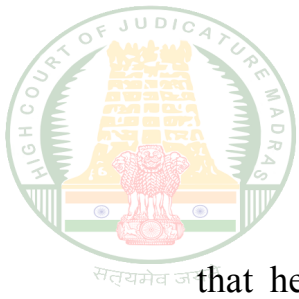
4. Pursuant to the order dated 17.03.2025, Mr.F.Deepak, the learned Special Government Pleader for the Respondents, has produced an order dated 16.04.2025 passed by the 1st Respondent/The Chief Educational Officer, Trichy District along with the compliance affidavit and submits that the Respondents have fully complied with the orders passed by the Writ Court dated 02.09.2022 in W.P.(MD)No.4919 of 2020. A copy of the said order and the compliance affidavit has been taken on record and furnished to the learned counsel for the Petitioner.



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5. Mr.F.Deepak, learned Special Government Pleader for the Respondents, further submits that in the 7th paragraph of the compliance affidavit, it has been clearly stated that necessary approval has been granted to the Petitioner for appointment to the post of B.T. Assistant (Maths) vide order dated 16.04.2025, and it was also mentioned in paragraph 7 that the Respondents instructed the Management of the School to submit necessary bills for disbursing the monetary benefits to the Petitioner. Thus, he submits that the judgment and order passed by the Writ Court dated 02.09.2022 in W.P.(MD) No. 4919 of 2020 have been fully complied with, and therefore, he prays that the Respondents be discharged from the contempt proceedings.

6. Mr.FR.S.Savarimuthu, learned counsel for M/s.Father Xavier Associates, appearing for the Petitioner, submits that the judgment and order passed by the Writ Court dated 02.09.2022 in W.P.(MD)No.4919 of 2020 has been fully complied with by the 1st Respondent/ the Chief Educational Officer, Trichy District, and that in this regard, an order has also been issued, which was received by the Petitioner. He further states



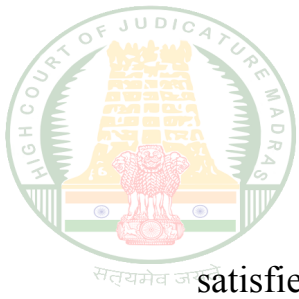
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that he has no objection to the Respondents being discharged from the contempt proceedings.

7. The learned counsel for the Petitioner further submits that the Respondent may also be directed to pay the monetary benefits to the Petitioner forthwith.

8. The learned Special Government Pleader submits that once an order has already been passed by this Court, it is the duty of the Respondents to comply with the order, and thereafter, the Respondents may certainly consider the claim of the Petitioner in respect of monetary benefits from the date of approval. He also assures this Court that the monetary benefits would be disbursed, after completing other formalities, within a period of six weeks from today.

9. Considering the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents, and upon perusal of the order dated 16.04.2025, this Court is



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satisfied that the Respondents have fully complied with the judgment and order of the Writ Court dated 02.09.2022 in W.P.(MD)No.4919 of 2020.

The learned Special Government Pleader has also assured that the monetary benefits will be disbursed within a period of six weeks from today. In view of this assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondents are discharged from the contempt proceedings.

10. In view of the above, the Contempt Petition is disposed of. The file shall be consigned to record. There shall be no order as to costs.

22.04.2025

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



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- 2.The District Educational Officer,
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SHAMIM AHMED, J.

Nsr

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