



CONT.P(MD)No.1608 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD)No.1608 of 2025

The Correspondent,
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal, Karisalpatti Post,
Ambasamuthram Post,
Ambasamuthram Taluk,
Tirunelveli District. - 627 414.

... Petitioner

VS.

1.Kannappan,
Director of School Education,
College Road,
Chennai – 600 006.

2.Sivakumar,
Chief Educational Officer,
Tirunelveli, Tirunelveli District.

3.Saisubbulakshmi,
District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District.

... Respondents



CONT.P(MD)No.1608 of 2025

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 11.11.2014 in Writ Petition (MD)No.1764 of 2010.

For Petitioner :Mr.A.Ruban Babu
for M/s.Isaac Chambers
For Respondents :Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

This Court, by order, dated 22.07.2025, passed the following order:

“Heard Mr.A.Ruban Babu, learned counsel for M/s.Isaac Chambers appearing for the Petitioner and 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 11.11.2014 passed in W.P. (MD)No.1764 of 2010 along with other connected Writ Petitions and the learned Single Judge of the Writ Court allowed the said Writ Petitions in the following terms:

“6.In the result, the Writ Petitions are allowed as prayed for and the respondents are directed to grant sanction for the approval and conversion and approval as the case may be for the appointments already made and to be made with monetary benefits within 12 weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.”

3.The learned counsel for the Petitioner submits that against the judgment and order passed by the Writ Court on 11.11.2014 in W.P.(MD)No.1764 of 2010, the Respondents have preferred Writ Appeal bearing W.A.(MD)No.407 of 2016 [Leading Writ Appeal



WEB COPY



CONT.P(MD)No.1608 of 2025

W.A.(MD)No.22 of 2017] and the Hon'ble Division Bench of this Court vide order dated 20.02.2018 dismissed the Writ Appeal in the following terms:

“4.The learned Special Government Pleader appearing for the appellants would contend that the manner in which the G.O.Ms.No.39, is sought to be interpreted is in correct and there is absolutely no ban for such conversion. However, on a reading of the Government order, we find that though in several places, the Government Order states that the conversion will be considered on need basis, the effect of the Government Order is only for conversion between the branches Sewing and Music and not between any other branches. In any event, this issue has become academic as against one of the order passed in the batch of cases in W.P. (MD).No.14652 of 2011 filed by the Secretary, Tagore Middle School, Aranmanai Siruvayal, Sivagangai District, the State preferred an appeal in W.A.No.1061 of 2015 and the Division Bench by judgment dated 27.10.2015, dismissed the appeal filed by the State. Thus, by applying the doctrine of merger, the order passed by the Division Bench in W.A.No.1061 of 2015 will merge with the order passed in the writ petition and consequently, the appeal filed by the State against the common order dated 11.11.2014 in the batch of writ petitions has to necessary fail.

5.Thus, for the above reasons, these writ appeals are dismissed. No costs.”

4.The learned counsel for the Petitioner further submits that other person in similar situation, who sought the same relief, had their Writ Appeal dismissed by the Division Bench of this Court in W.A.No. 2633 of 2018 on 07.12.2018. As against the same, the Respondents filed a Special Leave Petition (SLP) bearing Petition(s) For Special Leave to Appeal No(s).22199 of 2019 and the Hon'ble Supreme Court vide order dated 26.09.2024 dismissed the SLP. For better appreciation, the relevant portion of the order is reproduced hereunder:

“Heard the learned senior counsel appearing for the petitioners.

Delay condoned.

Considering the peculiar facts of the case, we find



WEB COPY



CONT.P(MD)No.1608 of 2025

that, at this stage, no case for interference under Article 136 of the Constitution of India is called for.

The Special Leave petitions are dismissed accordingly.

Needless to add that the petitioners will have to implement the impugned order.

Pending applications stand disposed of accordingly.”

5.The learned counsel appearing for the Petitioner submits that, despite the judgments and orders passed by the Writ Court on 11.11.2014 in W.P.(MD) No. 1764 of 2010, the Appellate Court on 20.02.2018 in W.A.(MD) No. 407 of 2016 [Leading Writ Appeal: W.A.(MD) No. 22 of 2017], and even the dismissal of the Special Leave Petition filed by similarly situated persons, the Respondents have failed to comply with the judgment and order passed by the Writ Court in the Petitioner’s case. Thus, they have wilfully and deliberately flouting the orders passed by Writ Court and Appellate 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.

6. Upon perusing the judgment and order passed by the Writ Court dated 11.11.2014 in W.P.(MD)No.1764 of 2010, Appellate Court dated 20.02.2018 in W.A.(MD)No.407 of 2016 [Leading Writ Appeal W.A.(MD)No.22 of 2017] and the Hon'ble Supreme Court in Special Leave to Appeal No(s).22199 of 2019 dated 26.09.2024 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 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.

7.At this juncture, 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 11.11.2014 in W.P.(MD)No.1764 of 2010. He 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. In this regard, he undertakes to file a compliance affidavit



WEB COPY



CONT.P(MD)No.1608 of 2025

along with the decision taken by the Respondents on or before the next date fixed.

8.The learned counsel for the Petitioner submits that he has no objection to the request made by the learned Additional Government Pleader for the Respondents.

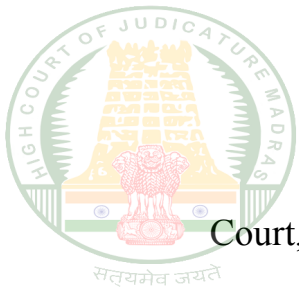
9.In view of the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, this Court grants the Respondents a final opportunity to comply with the judgment and order of the Writ Court dated 11.11.2014 in W.P. (MD)No.1764 of 2010, without fail, within a period of two weeks from today.

10.The Respondents are directed to communicate their decision to the Petitioner and file an affidavit of compliance in this regard on the next date fixed. Failure to comply with this order within the stipulated timeframe will require the Respondents/ Director of School Education, College Road, Chennai – 600 006 along with the Chief Educational Officer, Tirunelveli District and the District Educational Officer, Cheranmahadevi at Tirunelveli, to appear in person before this Court on the next date fixed to explain why the order of the Writ Court has not been complied with and thereafter this Court will proceed to initiate the contempt proceedings against the Respondents.

*11. Put up this case on **19.08.2025** “For Further Orders” before this Court.*

12. Let a copy of this order be given to Mr.D.Sadiq Raja, learned Additional Government Pleader for necessary compliance and information to the Respondents.”

2.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents, in compliance of the order passed by this Court, dated 22.07.2025, produced a compliance affidavit annexing an order, dated 18.08.2025, passed by the second respondent and submits that the judgment and order passed by the Writ



CONT.P(MD)No.1608 of 2025

Court, dated 11.11.2014, has been complied with by the respondents. This fact has been stated in paragraph No.8 of the compliance affidavit. The order passed by the second respondent, dated 18.08.2025, is taken on record. A copy of the order passed by the second respondent has also been given to the learned Counsel for the petitioner. Thus, the learned Additional Government Pleader for the respondents submits that as the judgment and order passed by Writ Court has been fully complied with by the respondents, the respondents may be discharged from the present contempt proceedings and the present Contempt Petition may be disposed of.

3.Mr.A.Ruban Babu, learned Counsel for the petitioner submits that he has also received the copy of the order passed by the second respondent, dated 18.08.2025, and submits that the respondents have made complied with the judgment and order passed by this Court 11.11.2014 passed in W.P.(MD)No.1764 of 2010. Thus, he submits that he has no objection that the respondents may be discharged from the present contempt proceedings and the Contempt Petition may be disposed of.



CONT.P(MD)No.1608 of 2025

4.After considering the arguments, as advanced by the learned

Counsel for the parties and after perusal of the order passed by this Court in W.P.(MD)No.1764 of 2010, dated 11.11.2014 and the order passed by the second respondent, dated 18.08.2025, this Court is also satisfied that the respondents have made fully complied with the directions issued by this Court and no useful purpose will be served in continuing the present contempt proceedings any further. Accordingly, the respondents are discharged from the present contempt proceedings and the present Contempt Petition is disposed of. The file is consigned to record. No order as to costs.

Index :Yes / No

19.08.2025

Internet :Yes / No

NCC :Yes / No

cmr

To

1.The Director of School Education,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

3.The District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District.

7/8



WEB COPY



CONT.P(MD)No.1608 of 2025

SHAMIM AHMED, J.

cmr

CONT.P(MD)No.1608 of 2025

19.08.2025