



CONT.P(MD)No.1344 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1344 of 2021

in

W.P.(MD) No.7943 of 2018

V.Shyni,
Physical Education Teacher,
Home Church Girl's High School,
Nagercoil-629 001,
Kanyakumari District.

... Petitioner

vs.

1.A.Pugalendi,
The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.

2.N.Nandhakumar, IAS,
Commissioner of School Education,
DPI Campus, College Road,
Chennai-6.

... Respondents

(R2 suo motu impleaded vide Court order dated
08.11.2022, in Contp (MD).No.1344 of 2021)

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondent for their deliberate and wilful disobedience of the order dated 02.01.2020 passed by this Court in W.P.(MD) No.7943 of 2018.

For Petitioner	:Mr.S.Xavier Rajini
For Respondents	:Mr.D.Sadiq Raja
	Additional Government Pleader



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ORDER

This Contempt Petition has been filed to punish the contemnors/respondents for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.7943 of 2018, dated 02.01.2020.

2.Heard Mr.S.Xavier Rajini, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

3.The Hon'ble Writ Court, vide judgment and order dated 02.01.2020, had disposed of the aforesaid writ petition with the following directions:-

“10. The Division Bench of this Court in its decision dated 05.03.2018 made in W.A.(MD) No.1295 of 2016 had held as follows:

“6. Therefore, we opined that the stipulations of 5 sections in 6 / 8 classes was considered to be directory and not mandatory and that is why the Government took such a stand not only in respect of 10 middle schools, but also other similar cases. The Government order came to be issued in 2006 and the appointment of Tmt.Kokila was in the year 2009. Above all, there is only one post and therefore, the department cannot insist upon the course being conducted and simultaneously not sanction the post. Apart from that, increasing the number of sections in a class is not at the sole discretion of the management of the institution. Be it an aided non-minority institution or minority institution or for that matter a government institution, it has to abide by the Rules and



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Regulations, which stipulate a students strength of minimum 40 and that strength has to be assessed in August every year for the purpose of assessing the staff strength.

7. Therefore, the Government order in G.O.Ms.No.168 dated 13.09.2006, if read in tandem with the guidelines stipulated for increasing the number of sections, then, this stipulation of having 5 sections in 6-8 classes can at best be read as directory and not mandatory. Further, it is relevant to point out that the decision in the case of N.Regis Mallika referred supra has been affirmed by the Hon'ble Division Bench in W.A.(MD) No.16 of 2011 dated 25.01.2011. In the said appeal, the Division Bench referred to an earlier order in W.P.(MD) No.7218 of 2008 dated 04.08.2009, which was implemented by the department." 11. For the above foregoing reasons, I do not find any justification on the part of the fourth respondent in declaring the post of Physical Education Teacher as surplus in the fifth respondent School and thereby, the proceedings of the Directorate of School Education dated 21.02.2014 would be illegal. Accordingly, the impugned proceedings made in Na.Ka.No. 68160/D1/E4/2013 dated 21.02.2014 and Na.Ka.No.6327/A2/2013 dated 18.10.2013 are hereby quashed. Consequently, there shall be a direction to the third respondent to approve the petitioner's appointment, thereby enabling the disbursement of all consequential aid to the fifth respondent School. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

12. With the above directions, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."



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4.Mr.S.Xavier Rajini, learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.7943 of 2018, dated 02.01.2020, the respondents have preferred appeal in W.A.(MD) No. 1090 of 2021, before this Court, which was dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 15.06.2021. Challenging the judgment and order passed in W.A.(MD).No.1090 of 2021, dated 15.06.2021, the review application was filed in Rev.Aplc(MD).No.SR58146 of 2021 and the same is still pending.

5.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeal, the respondents have not complied with the directions issued by this Court in W.P.(MD) No.7943 of 2018, dated 02.01.2020. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and is in contempt of the judgment and order of this Court dated 02.01.2020. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents have filed an affidavit of compliance of the respondents, dated 18.07.2025, annexing a copy of the



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order passed by the first respondent dated 21.03.2023, in which it has been stated that the direction issued by the Writ Court in W.P.(MD) No.7943 of 2018, dated 02.01.2020, as well as the appellate Court in W.A.(MD) No.1090 of 2021, dated 15.06.2021, has been fully complied with and the entire monetary benefit has been paid to the petitioner and no amount is due to the petitioner.

7.In paragraph No.8 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“ 8.I respectfully submitted that, as per the direction of the Hon'ble Court revised proposal was received from the school and appointment approval was granted w.e.f.27.06.2013 vide proceedings of the Chief Educational Officer made in D.Dis.No.996-(2)/A4/2020, dated 21.03.2023. Monetary benefits were also paid in full.”

8.A copy of the compliance affidavit filed by the respondents, dated 18.07.2025 has been produced before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

9.Thus, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents submits that the respondents may be discharged from the



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present contempt proceedings, as the judgment and order of the Hon'ble Writ Court in W.P.(MD) No.7943 of 2018, dated 02.01.2020 and the appellate Court in W.A.(MD) No.1090 of 2021, dated 15.06.2021 have been fully complied with by the respondents, vide order dated 21.03.2023 and the present Contempt Petition may also be disposed of, accordingly.

10.Mr.Xavier Rajini, learned counsel for the petitioner submits that he has received a copy of the compliance affidavit filed by the respondents, dated 18.07.2025, annexing a copy of the Order passed by the first respondent dated 21.03.2023 and has no objection, if the respondents are discharged from the contempt proceedings, as the judgment and order of this Court dated 02.01.2020 and 15.06.2021 have been complied with by the respondents, vide order dated 21.03.2023. He further submits that the entire monetary benefit due to the petitioner has already been paid to the petitioner and as of now, no amount is due to the petitioner.

11.Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the judgment and order made in W.P.(MD) No.7943 of 2018, dated 02.01.2020 and in W.A.(MD) No.1090 of 2021, dated 15.06.2021 and the compliance affidavit filed by the respondent, dated 18.07.2025, annexing a copy of the Order passed by the first respondent, dated 21.03.2023 and also considering the fact that the entire



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monetary benefit has already been paid to the petitioner, this Court satisfied that the direction issued by this Court in W.P.(MD) No.7943 of 2018, dated 02.01.2020 has been fully complied with by the respondents and thus, no useful purpose will be served in continuing the present contempt proceedings against the respondent.

12.Accordingly, the Contempt Petition is finally disposed of and the respondent is discharged from the present contempt proceedings. No costs. The file is consigned to record.

Index :Yes / No
Internet :Yes / No

18.07.2025

vsg

To

1.A.Pugalendi,
The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.

2.N.Nandhakumar, IAS,
Commissioner of School Education,
DPI Campus, College Road,
Chennai-6.



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