



CONT.P(MD)No.1751 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1751 of 2025

in

W.P.(MD) No.299 of 2021

S.Seelan Jeyakumar,
Secondary Grade Teacher,
AG Primary School,
Kanupulimettu 627 1809,
Thenkasi District.

... Petitioner

vs.

Tmt.Jeyalakshmi,
District Educational Officer,
Thenkasi,
Thenkasi District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnor/respondent herein for deliberate and wilful disobedience of the order of this Court dated 16.06.2021 in W.P.(MD) No.299 of 2021 amounting to contempt of Court under Section 11 of the Contempt of Courts Act, 1971.

For Petitioner :Mr.A.Ajith Keethan

For Respondent :Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

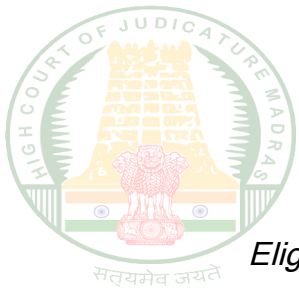
This Contempt Petition has been filed with the prayer that the respondent/contemnor has not complied with the judgment and order passed by the Hon'ble Writ Court in W.P.(MD) No.299 of 2021, dated 16.06.2021.

2.Heard Mr.A.Ajith Geethan, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent.

3.This Court, vide order dated 08.07.2025, had passed the following order:-

“Heard Mr.A.Ajith Geethan, learned counsel appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the Respondent. Therefore, no further notice is required to be issued to the Respondent.

2.Mr.S.Sukumar, learned counsel for the Petitioner, submits that the petitioner was appointed as Secondary Grade Teacher on 01.03.2011 in the Respondent Institution in a sanctioned vacancy and his appointment was approved with effect from 01.03.2011 by the District Educational Officer, vide order dated 14.07.2011. However, his yearly increment has been stopped from 01.01.2013 by the Respondents 1 & 2. Hence, the Respondent Institution submitted the proposal dated 01.09.2017 requesting to disburse the yearly increment from 01.01.2013. The 2 nd respondent by the impugned proceedings, dated 25.09.2017 returned the proposal stating that the petitioner is not entitled for the yearly increment, as he has not passed Teachers

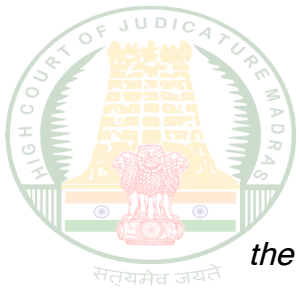


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Eligibility Test. Having no alternative, the Petitioner filed W.P. (MD)No. 299 of 2021, seeking to quash the said order and seeking a direction to the Respondents to disburse the yearly increments and all other monetary benefits to the Petitioner with effect from the date of appointment ie., 01.03.2011. The learned Single Judge of this Court vide order dated 16.06.2021 allowed the aforementioned Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“7.From the impugned order and materials on record, it is seen that the petitioner was denied annual increment only on the ground that he has not passed Teachers Eligibility Test. It is an admitted case that the petitioner is appointed in the third respondent School, which is an aided minority institution, in a sanctioned vacancy and his appointment was approved by the respondents 1 & 2. While so, the respondents 1 & 2 stopped yearly increment from 01.01.2013. The issue whether a teacher appointed in a minority educational institution must pass in Teachers Eligibility Test is no longer res integra. The Hon'ble Apex Court in Pramati Educational Cultural Trust and others vs Union of India reported in 2014 (4) MLJ 486 (SC) held that the Right of Children to Free and Compulsory Education Act, 2009 is ultra vires and the same cannot be applicable to minority educational institutions. Pass in Teachers Eligibility Test is not mandatory, for the teacher appointed in the minority educational institution. Further, the petitioner was appointed on 01.03.2011 and his appointment was approved on 14.07.2011 much prior to issuance of G.O(Ms) No.181 (School Education (C2) Department), dated 15.11.2011, prescribing the Educational qualification of pass in Teachers Eligibility Test.

8.For the above reasons, the impugned order of the second respondent in O.Mu. No.748/A/17, dated 25.09.2017 is set aside and



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the writ petition is allowed. The first respondent is directed to sanction and disburse the annual increment and all other monetary benefits to the petitioner w.e.f., date of appointment I.e., 01.03.2011. No costs. Consequently, connected miscellaneous petition is closed. ”

3.The learned counsel for the Petitioner submits that against the judgment and order passed by the Writ Court dated 16.06.2021 in W.P. (MD)No.299 of 2021, the Respondents have preferred Writ Appeal bearing W.A.(MD)No.1955 of 2021 which was dismissed by the Division Bench of this Court vide judgment and order dated 27.11.2024. For better appreciation, the relevant portion of the said judgment and order is reproduced hereunder:

“3. After hearing the learned counsel on either side, we are more than satisfied that there is no merit in this writ appeal. The Hon'ble Supreme Court in the decision reported in (2014) 8 SCC 1 (Pramati Educational and Cultural Trust v. Union of India) held that the department cannot insist that teachers working in minority schools should have Teacher Eligibility Test qualification. Therefore, the Block Educational Officer, Sengottai was not justified in holding that the writ petitioner should possess TET for claiming yearly increment and other allowances.

4.As rightly pointed out by the learned counsel for the writ petitioner, when once the appointment of the writ petitioner had been approved, then he is entitled to all other consequential benefits.

5.In this view of the matter, the order impugned in this writ appeal is sustained and the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.”

4.Despite the dismissal of the Writ Appeal, the Respondents



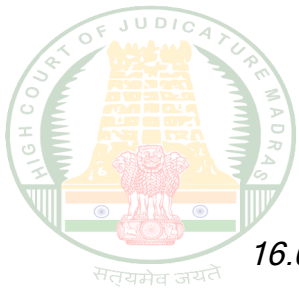
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have failed to comply with the judgment and order dated 16.06.2021 passed by the Writ Court in W.P.(MD)No.299 of 2021. Thus, the learned counsel for the Petitioner submits that the Respondent has wilfully and deliberately flouting the orders passed by both Courts. This deliberate and wilful non-compliance constitutes contempt of this Court. Thus, the learned counsel submits that the Respondent is in contempt. He also submits that the Respondent 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.

5.The learned counsel for the Petitioner draws the attention of this Court to the judgment and order passed by the Division Bench of this Court in the case of The District Educational Officer, Tenkasi, Tenkasi District vs S.Packia Ruby [W.A.(MD)No.1142 of 2023, dated 29.10.2024], wherein the Division Bench made the following observations:

“3.We see no reason to interfere with the order of the Writ Court. The authorities will approve the appointment of the 1st respondent as Secondary Grade Teacher and also pay her salary and other attendant benefits with effect from the date of her appointment till date of payment within 12 weeks from the date of receipt of copy of this order. If the amount is not paid within 12 weeks, the authorities will pay 12% interest from the date of which the amount actually became due till the date of payment. No Costs. Consequently, connected miscellaneous petition is closed.”

The learned counsel for the Petitioner submits that, in line with the direction of the Division Bench, this Court should direct the Respondents to pay interest at the rate of 12% per annum on the belated payment of arrears from the date of the Writ Court's order,



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16.06.2021 till the actual payment is made, considering the delay caused by the Respondent.

6.After hearing the submissions made by the learned counsel for the parties and perusing the judgment and order passed by the Writ Court on 16.06.2021 in W.P.(MD)No.299 of 2021, as well as the Appellate Court's order dated 27.11.2024 in W.A.(MD)No.1955 of 2021, this Court observes that despite the lapse of almost 7 months since the Division Bench dismissed the Writ Appeal filed by the Respondents, the order dated 16.06.2021 passed in W.P.(MD)No.299 of 2021 has attained finality. Consequently, the Respondents are bound to comply with the directions and observations therein. However, the Respondent has not taken any steps to comply with the Writ Court's order. Therefore, this Court deems it necessary to initiate proceedings against the Respondent for alleged noncompliance. Furthermore, the prayer made by the learned counsel for the Petitioner regarding interest appears to be justified.

7.At this juncture, Mr.D.Sadiq Raja, learned Additional Government Pleader, requests this Court to grant the Respondent a final opportunity to comply with the Writ Court's judgment and order dated 16.06.2021 in W.P.(MD)No.299 of 2021. He assures this Court that the Respondent will fully comply with the Court's orders and undertakes to pay the Petitioner all due monetary and service benefits. He requests a period of 10 days to ensure compliance and further submits that the payment of interest will be considered and intimated to the Respondent. In this regard, he undertakes to file a compliance affidavit, along with the decision taken by the Respondent, on or before the next date fixed by this Court.

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



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Respondent.

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9. In view of the assurance made by the learned Additional Government Pleader, this Court grants the Respondents a final opportunity to comply with the judgment and order of the Writ Court dated 16.06.2021 in W.P.(MD)No.299 of 2021, without fail, within a period of ten days from today.

10. In view of the judgment and order passed by the Division Bench of this Court in the case of The District Educational Officer, Tenkasi, Tenkasi District vs S.Packia Ruby [W.A.(MD)No.1142 of 2023, dated 29.10.2024], this Court directs the Respondents to consider and pay 12% interest on the belated payment of arrears from the date of the Writ Court's order dated 16.06.2021 till the actual payment is made, taking into account the delay caused by the Respondent.

11. The Respondent is directed to communicate their decision to the Petitioner and file an affidavit of compliance on the next date fixed. Failure to comply with this order within the stipulated timeframe will require the Respondent 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 Respondent.

12. Put up this case "For Orders" before this Court on 22.07.2025.

13. Let a copy of this order be given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondent."

4. The learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.299 of 2021, dated 16.06.2021,



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the respondent has preferred an appeal bearing W.A.(MD) No.1955 of 2021, before this Court, which was dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 27.11.2024.

5.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeal, the respondent has not complied with the directions issued by the Writ Court in W.P.(MD) No.299 of 2021, dated 16.06.2021. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondent/contemnor has wilfully and deliberately flouted the order passed by this Court and is in contempt of the judgment and order of this Court dated 16.06.2021 and 27.11.2024. Thus, he 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 respondent, has filed an affidavit of compliance of the respondent, dated 22.07.2025, annexing a copy of the decision taken by the respondent, dated 16.07.2025, in which it has been stated that the judgment and order passed by the Writ Court in W.P.(MD) No. 299 of 2021, dated 16.06.2021 as well as the appellate Court in W.A.(MD) No.1955 of 2021, dated 27.11.2024, has been fully complied with. A copy of the compliance affidavit of the respondent, dated 22.07.2025 has been



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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. It was further submitted that all services and monetary benefits payable by the respondent will be paid in accordance with law in the account of the petitioner within four weeks from today. Thus, he submits that the respondent may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 16.06.2021 and 27.11.2024 has been complied with by the respondent, vide order dated 16.07.2025.

7.Mr.A.Ajith Geethan, learned counsel for the petitioner, submits that he has received a copy of the compliance affidavit of the respondent, dated 22.07.2025, annexing a copy of the decision taken by the respondent, dated 16.07.2025 and has no objection, if the respondent is discharged from the present contempt proceedings at this stage, as the judgment and order of this Court dated 16.06.2021 and 27.11.2024 has been complied with by the respondent, vide order dated 16.07.2025 and the present Contempt Petition may also be disposed of at this stage, accordingly. It was further submitted that a positive direction may be given to the respondent to grant all services and monetary benefits payable to the petitioner within the time frame fixed by this Court.



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8. Accordingly, in view of the submissions made by the learned counsel for the parties, after perusal of the judgment and order of the Writ Court passed in W.P.(MD) No.299 of 2021, dated 16.06.2021 and the judgment and order of the appellate Court in W.A.(MD) No.1955 of 2021, dated 27.11.2024 and after perusal of the compliance affidavit filed by the respondent, dated 22.07.2025, annexing a copy of the decision taken by the respondent, dated 16.07.2025, this Court satisfied that the direction issued by this Court in W.P. (MD) No.299 of 2021, dated 16.06.2021 has been complied with by the respondent and there is no justification in continuing the present contempt proceedings against the respondent.

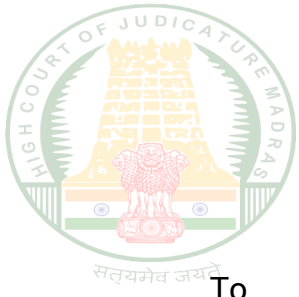
9. Accordingly, the Contempt Petition is finally disposed of at this stage and the respondent is discharged from the present contempt proceedings at this stage. It is made clear that the respondent shall credit all services and monetary benefits in the account of the petitioner in accordance with law within a period of four weeks from today without any further delay. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No

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To
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District Educational Officer,
Thenkasi,
Thenkasi District.



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SHAMIM AHMED, J.

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