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CONT.P(MD)No.1791 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CONT.P(MD)No.1791 of 2023

S.Nagaretnam

... Petitioner

VS.

1.N.Latha,
Director of State of Council of
Educational Research and Training,
DPI Compound,
College Road, Chennai - 600 006.

2.R.Ramasundra Subramaniyan,
Secretary,
Vallimaiyar Hindu Teachers Training Institute,
Kulaseharanpattinam - 628 206,
Tuticorin District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondents herein for their deliberate and willful disobedience of the order of this Court, dated 02.08.2022 in W.P.(MD)No.6470 of 2019 amounting to Contempt of Court under Section 11 of the Contempt Court Act, 1971.

For Petitioner :Mr.E.V.N.Siva
For Respondents :Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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This is a petition seeking initiation of contempt proceedings against the respondents for violation of the order, dated 02.08.2022, passed by this Court in W.P.(MD)No.6470 of 2019.

2.Heard Mr.E.V.N.Siva, learned Counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

3.The Co-ordinate Bench of this Court, vide order, dated 02.08.2022 in W.P.(MD)No.6470 of 2019, had passed the following order:-

"6.Accordingly, the impugned order, dated 08.03.2019, on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the fourth respondent herein to submit a fresh proposal to the second respondent herein for deploying the petitioner, as well as any other surplus teachers of their Institute, seeking for prior approval of closure of the School, as well as for re-deployment of the services of the petitioner to other Institutes, as contemplated under Section 26 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such a proposal, the second respondent herein shall forthwith pass appropriate orders on the request for approval of the closure of the fourth respondent Institute, as well as for re-deployment of the petitioner to other Institutes, in conformity with the procedure contemplated under the provisions of the Tamil Nadu Private Schools (Regulation) Act. Such final orders shall be passed, at least within a period of eight (8) weeks from the date of receipt of the proposal."

4.The learned Counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.6470 of 2019, dated 02.08.2022, the respondents have not complied with the directions of this Court and they



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have wilfully and deliberately flouting the orders passed by this Court, dated 02.08.2022. Thus, the learned Counsel submits that the respondents should be summoned and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepted notice on behalf of the respondents, submits that as against the judgment and order of the Writ Court, dated 02.08.2022, passed in W.P.(MD)No.6470 of 2019, the respondents have preferred a Writ Appeal before the Hon'ble Division Bench of this Court bearing W.A(MD)No.2049 of 2023, which was allowed by the Hon'ble Division Bench vide judgment and order, dated 20.06.2025 and the judgment and order the Writ Court, dated 02.08.2022, passed in W.P.(MD)No.6470 of 2019, was set aside by the Hon'ble Division Bench. The operative portion of the judgment and order, dated 20.06.2025, in paragraph Nos.6 to 8 are being re-produced herein under:

6.In our view, quashing the said order was absolutely incorrect. Secondly, Section 26 only enables the Government to redeploy a retrenched teacher. There is no right as such given to the teacher concerned. In Tamil Nadu, there are a number of institutions similar to that of the second respondent. The writ petitioner alone cannot be given any preference.

7.In this view of the matter, we set aside the order of the learned single Judge. We leave it to the wisdom of the Government to take note of the condition of the writ petitioner as well as that of similarly placed persons and take a call accordingly. Such a decision shall be taken within a period of twelve weeks from the date of receipt of a copy of this order. The decision shall also be duly communicated to the writ petitioner.

8.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed."



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6.Thus, the learned Additional Government Pleader submits that as the appeal has already been allowed and the judgment and order passed by the Writ Court, dated 02.08.2022, was set aside and the judgment and order of the appellate Court was not challenged before the Hon'ble Apex Court, there is no justification in proceeding with the present Contempt Petition and the present Contempt Petition may be dismissed.

7.Accordingly, in view of the submission made by the learned Counsel for the parties and after perusal of the order passed by the Writ Court in W.P.(MD)No.6470 of 2019, dated 02.08.2022 as well as the judgment and order passed by the appellate Court in W.A(MD)No.2049 of 2023, dated 20.06.2025, especially in paragraph Nos.6 to 8, this Court is of the view that 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 dismissed. The file consigned to record. No order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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SHAMIM AHMED, J.

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