



Contempt Petition (MD)No.2682 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.2682 of 2024

In

W.P.(MD)No.1896 of 2013

R.Pon Sheela,
No.6-320, East Street, Siva Nadanoor Post,
Tenkasi Taluk – 627 808,
Tirunelveli District.

...Petitioner/Petitioner

Vs

1.Mr.Naresh,
The Director of Elementary School Education,
(Private Aided School),
College Road,
Chennai.

2.Mr.Kannan (In-charge),
The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
Now redesignated and bifurcated to
The District Educational Officer, (Elementary),
Tenkasi, Tenkasi District. ...Contemnors/Respondents 2 & 3



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents 2 & 3 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.1896 of 2013, dated 24.11.2016.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by,
Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

Heard Mr.T.Pon Ramkumar, learned counsel appearing for the Petitioner and Mr.Veerakathiravan, learned Additional Advocate General, assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2. This Court vide order dated 07.08.2025 passed the following order in the present Contempt Petition:



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“Heard Mr.T.Pon Ramkumar, learned counsel appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2. This Court vide order dated 07.07.2025 passed the following order:

“Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice for the respondents. Thus, there is no need to issue notice to the respondents.

2.The present Contempt Petition has been filed to punish the respondents/contemnors for non compliance of the judgment and order passed by this Court in W.P.(MD) No.1896 of 2013 dated 24.11.2016.

3.This Court, vide judgment and order dated 24.11.2016, had disposed of the said writ petition with the following directions:-

“9. In the result:

(a) this writ petition is allowed by setting aside the impugned order passed by the 4th respondent in A.T.Mu. No 560/A1/12 dated 15.06.2012 and (b) the respondents 2 and 3 are directed to grant sanction for the approval and conversion of the post of Vocational Instructor in Agriculture subject as Sewing Teacher



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and to grant approval to the appointment of R.Pon Sheela as Tailoring Teacher in the 5th respondent school with effect from 03.02.2012 with all consequential monetary benefits.

(c) the said exercise shall be completed within in a period of eight weeks from the date of receipt of copy of this order. No costs.”

4.The learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.1896 of 2013, dated 24.11.2016, the respondents have preferred an appeal in W.A.(MD) No.700 of 2018 before this Court, which was dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 22.06.2018, a copy of which is annexed in page No.28 of the paper book. Challenging the Division Bench judgment and order dated 22.06.2018, the respondents have preferred Spl.Leave to Appeal (C) No.22199/2019 before the Hon'ble Supreme Court and the same was also dismissed on 26.09.2024, a copy of which is also annexed in page No.36 of the paper book.

5.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeal as well as the Special Leave Petition, the respondents have not complied with the directions issued by this Court in W.P.(MD) No.1896 of 2013, dated 24.11.2016. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondents/contemnors have wilfully and



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deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 24.11.2016. 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, who took notice for the respondents, has filed a compliance affidavit, dated 07.07.2025, annexing a copy of the Government Order made in G.O. (1D) No.79, School Education (Elementary) 2(1) Department, dated 03.07.2025, in which, it has been stated that the judgment and order passed by this Court in W.P. (MD) No.1896 of 2013, dated 24.11.2016 has been complied with. The compliance affidavit filed by the respondents, dated 07.07.2025, is taken on record and a copy of the same has also been given to the learned counsel for the petitioner. Thus, he submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 24.11.2016 has been complied with.

7.Mr.T.Pon Ramkumar, learned counsel for the petitioner submits that he has received a copy of the compliance affidavit, dated 07.07.2025, annexing a copy of the Government Order made in G.O.(1D) No.79, School Education (Elementary) 2(1) Department, dated 03.07.2025 and submits that only Government Order has been passed, but the judgment and order of this Court made in W.P.(MD) No.1896 of 2013, dated 24.11.2016 has not been fully complied with, wherein, there is a clear cut direction to the



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respondents 2 and 3 to grant sanction for the approval and conversion of the post of Vocational Instructor in Agriculture subject as Sewing Teacher and to grant approval to the appointment of the petitioner as Tailoring Teacher in the 5th respondent school with effect from 03.02.2012 with all consequential monetary benefits. Here, there is no clear cut order granting sanction for the approval and conversion of the post of Vocational Instructor in Agriculture subject as Sewing Teacher and also granting approval to the petitioner's appointment as Tailoring Teacher with effect from 03.02.2012 with all consequential monetary benefits. Thus, he submits that the judgment and order of this Court dated 24.11.2016 in W.P.(MD) No.1896 of 2013 has not been fully complied with.

8.Mr.D.Sadiq Raja, learned Additional Government Pleader, prays this Court that a last opportunity may be given to the respondents to make full compliance of the order dated 24.11.2016 made in W.P.(MD) Nos.1896 of 2013, granting sanction for the approval and conversion of the post of Vocational Instructor in Agriculture subject as Sewing Teacher and also granting approval to the petitioner's appointment as Tailoring Teacher with effect from 03.02.2012 in the fifth respondent school with all consequential monetary benefits and the respondents will file a compliance affidavit annexing a decision taken by them on the next date of hearing fixed.

9.Mr.T.Pon Ramkumar, learned counsel for the petitioner has no objection to the aforesaid prayer made by the learned Additional Government Pleader for the respondents.



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10. Accordingly, as per the assurance given by the learned Additional Government Pleader for the respondents/contemnors, as a last chance, this Court grants two weeks and no more further time to the respondents/contemnors to make full compliance of the directions issued by this Court in W.P.(MD) No.1896 of 2013, dated 24.11.2016, granting approval to the petitioner's appointment as Tailoring Teacher with effect from 03.02.2012 in the fifth respondent school with all consequential monetary benefits and to file an affidavit of compliance in this regard, annexing a decision taken by them, failing which the respondents are directed to appear before this Court in person to justify as to why the aforesaid order has not been complied with and as to why contempt proceedings should not be initiated against them. The decision taken by them shall also be communicated to the petitioner by the respondents through RPAD on or before the next date of hearing.

11. Put up this case 'for orders' on 30.07.2025 before this Court. Let a copy of this order be issued to Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents for its necessary compliance and information."

3. On 07.07.2025, when the matter was taken up, Mr.D.Sadiq Raja, the learned Additional Government Pleader, made a request, and this Court granted two weeks, with no further extension, to ensure full compliance with the direction issued by the Writ Court



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in W.P.(MD)No.1896 of 2013, dated 24.11.2016. The respondents were directed to file an affidavit of compliance, annexing the decision taken by them, failing which, the respondents are directed to appear in person before this Court to explain why the order of the Writ Court has not been complied with and to justify why contempt proceedings should not be initiated against them.

4. Today, when the matter is being taken up, neither the Respondents are present before this Court, nor has the compliance affidavit been filed on their behalf. It, therefore, appears that the Respondents have deliberately and willfully flouted the judgment and order passed by the Writ Court on 24.11.2016 in W.P. (MD)No.1896 of 2013, as well as the direction issued by this Court on 07.07.2025 in the present Contempt Petition.

5. It is also pertinent to note that the Respondents had preferred a Writ Appeal bearing W.A.(MD)No.700 of 2018 before this Court, challenging the judgment and order passed by the Writ Court on 24.11.2016 in W.P.(MD)No.1896 of 2013. However, the Writ Appeal was dismissed by the Hon'ble Division Bench of this



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Court by judgment and order dated 22.06.2018, a copy of which is annexed at page No.28 of the paper book. Subsequently, the Respondents challenged the judgment and order of the Division Bench dated 22.06.2018 by filing Spl. Leave to Appeal (C) No. 22199 of 2019 before the Hon'ble Supreme Court, which was also dismissed on 26.09.2024. A copy of the dismissal order is annexed at page No.36 of the paper book.

*6. Thus, this Court has no option but to proceed against the Respondents for deliberately and willfully disobeying the order of the Writ Court dated 24.11.2016 in W.P.(MD)No.1896 of 2013, as well as the direction issued by this Court on 07.07.2025 in the present Contempt Petition. Accordingly, the 1st Respondent, Mr.Naresh, Director of Elementary School Education (Private Aided School), College Road, Chennai, and the 2nd Respondent, Mr.Kannan (In-charge), District Elementary Educational Officer, Tirunelveli, Tirunelveli District, now redesignated as the District Educational Officer (Elementary), Tenkasi, Tenkasi District, are directed to appear in person before this Court on **08.08.2025** to justify their conduct*



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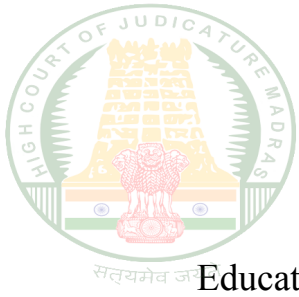
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and explain why the contempt proceedings should not be initiated against them, and charges be framed.

*7. Put up this case on **08.08.2025** “For Further Orders” before this Court.*

8. 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.

3. In compliance with the order dated 07.08.2025 passed by this Court in the present Contempt Petition, Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006 and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi, are present in person before this Court today. They produced an affidavit filed by Mr.P.A.Naresh, Director of Elementary Education, DPI Campus, College Road, Chennai – 600 006 and submitted that Mr.Naresh, the Director of Elementary Education could not appear in person due to a function organized by him today ie., on 08.08.2025 at around 10.30 a.m. at Anna Centenary Library Chennai, regarding releasing of Tamil Nadu



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Education Policy-School Education, in the presence of Hon'ble Chief Minister. Therefore, his personal appearance may be dispensed with for the present. This fact is stated in paragraph no. 8 of the affidavit.

4. A copy of the affidavit filed by Mr.P.A.Naresh, Director of Elementary Education, DPI Campus, College Road, Chennai – 600 006, is taken on record and furnished to the learned counsel for the petitioner. Upon perusal of the said affidavit, this Court is of the view that the reason stated by Mr.P.A.Naresh appears to be justified, and accordingly, Mr.P.A.Naresh, the Director of Elementary Education is exempted from appearing before this Court.

5. Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006 and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi, who are present in person before this Court today, submit that the School Education (Elementary Education 2(1) Department in G.O.Ms.No.79, dated 03.07.2025 has positively considered the claim of the Petitioner, thereby



approved the appointment of the Petitioner with effect from 03.02.2012.

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They also submit that regular monthly salary is being paid and with respect to monetary benefits for the period from 03.02.2012 to 31.12.2024, the bill has been made ready and the same was submitted before the Sub Treasury Officer today (08.08.2025). The said fact is stated in paragraph no.7 of the affidavit filed by Mr.P.A.Naresh, Director of Elementary Education. For better appreciation, paragraph no.7 is reproduced hereunder:

“7. In obedience to the order made in W.P. (MD)No.1896 of 2013 dated 24.11.2016, the School Education (Elementary Education 2(1) Department vide order made in G.O.(Ms)No.79, dated 03.07.2025 has positively considered the claim of the Petitioner. Thus, the order passed by this Hon'ble Court has been complied with in letter and spirit thereby approved the appointment of the writ petitioner w.e.f. 03.02.2012. The arrears of salary for the month from January 2025 to June 2025 have also been paid. Further regular monthly salary is being paid. With respect to monetary benefits for the period from 03.02.2012 to 31.12.2024, the bill has been made ready and the same would be submitted before the Sub Treasury Office today



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(08.08.2025). The amount would be disbursed to the writ petitioner within one week from today. The same may be recorded and appropriate order may be passed by this Hon'ble Court."

6. Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006 and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi, submit that the statistics of the payment to the Petitioner have been prepared, and the chart is also annexed with the affidavit. The total amount, after deduction of taxes, comes to Rs. 42,33,261/- (Rupees Forty-Two Lakh Thirty-Three Thousand Two Hundred Sixty-One Only). A copy of the same has been taken on record and furnished to the learned counsel for the Petitioner. They also assured this Court that the said amount will be paid to the Petitioner within a period of three days from today, without fail. They also submit that the delay in the payment is due to certain paperwork formalities and tender an unconditional apology for the same on behalf of Mr.P.A.Naresh, Director of Elementary School Education (Private Aided School), College Road, Chennai.



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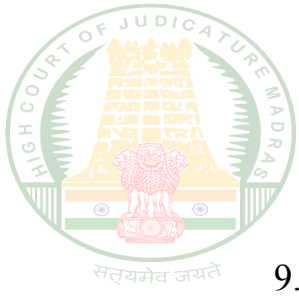
7. Mr.Veerakathiravan, learned Additional Advocate General, assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, submits that, in light of the affidavit filed by Mr.P.A.Naresh, Director of Elementary School Education (Private Aided School), College Road, Chennai, and in view of the assurance given by Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006, and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi, who are present in person before this Court today in place of the Director of Elementary Education, he assures this Court that the judgment and order dated 24.11.2016 passed by the Writ Court in W.P.(MD) No. 1896 of 2013, as well as the direction issued by this Court on 07.08.2025 in the present contempt petition, will be complied with within a period of three days from today. He further assures that the amount of Rs. 42,33,261/- (Rupees Forty-Two Lakh Thirty-Three Thousand Two Hundred Sixty-One only) will be disbursed to the Petitioner within the same period, and that the salary will be paid regularly in the future. Therefore, he prays that the Respondents may be discharged



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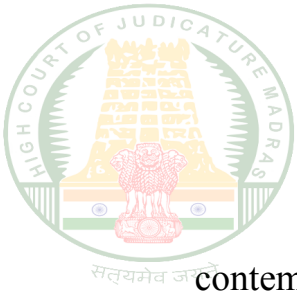
from the contempt proceedings and that the present contempt petition may be disposed of accordingly.

8. Mr.T.Pon Ramkumar, learned counsel appearing for the Petitioner, submits that he has received a copy of the affidavit filed by Mr.P.A.Naresh, Director of Elementary School Education, (Private Aided School), College Road, Chennai, along with the payment chart, and further submits that he has no objection to the statement made by the learned Additional Advocate General as well as to the averments made in paragraph No.7 of the affidavit and the assurance given by Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006 and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi that the amount will be paid to the Petitioner within a period of three days from today. Accordingly, the learned counsel states that he has no objection to the Respondents being discharged from the contempt proceedings at this stage, and that the present contempt petition may be disposed of accordingly.



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9. Considering the submissions made by the learned counsel for the parties, the assurance given by Mrs.S.Shanthi, the Joint Director (Aided), Directorate of Elementary Education, Chennai – 600 006 and Mrs.P.Maragathavalli, District Educational Officer (Elementary), Tenkasi, with regard to payment and upon perusal of the affidavit filed by Mr.P.A.Naresh, Director of Elementary School Education, (Private Aided School), College Road, Chennai, particularly paragraph No.7, this Court is satisfied that the Respondents shall comply with the judgment and order dated 24.11.2016 passed by the Writ Court in W.P.(MD) No. 1896 of 2013 within a period of three days from today, without fail. As per the averments made in the said affidavit and the assurance given by the learned Additional Advocate General as well as the officers, this Court hopes and trusts that the judgment and order of the Writ Court will be duly complied with within the stipulated period. It is further assured that the Petitioner shall be paid the amount to the tune of Rs.42,33,261/- (Rupees Forty Two Lakh Thirty Three Thousand Two Hundred Sixty One only), within three days from today and that the salary will be paid regularly in future. In view of the same, this Court deems it appropriate to drop the



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contempt proceedings against the Respondents. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.

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

08.08.2025

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

To:

- 1.The Director of Elementary School Education,
(Private Aided School),
College Road,
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- 2.The District Elementary Educational Officer,
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SHAMIM AHMED, J.

Nsr

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