



Contempt Petition (MD)No.2435 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.2435 of 2023

In

W.P.(MD)No.8031 of 2021

Devaprakasam,
S/o.Ruban Devaraj,
292B, West Street,
Perumalkulam,
K.C.Puram (PO), Padhmaneri,
Tirunelveli District.

Petitioner/Petitioner

Vs

1.Mr.Kannappan,
Director of Elementary School Education,
DPI Compound, College Road,
Chennai.

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

3.Mr.Sherlin Vimal,
District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.

4.Mrs.Karthieswari,
The Block Educational Officer,
Kalakad Range, Kalakad,
Tirunelveli District.

Contemnors/Respondents



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnors/Respondents for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.8031 of 2021, dated 22.07.2021.

For Petitioner : Mr.S.Chellapandian

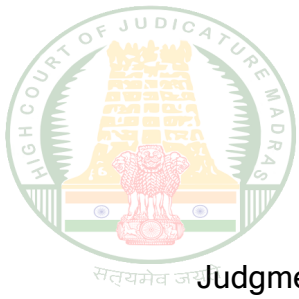
For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 22.07.2021 passed by this Court in W.P.(MD)No.8031 of 2021.

2. Heard Mr.S.Chellapandian, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader for the Respondents.

3. Mr.S.Chellapandian, learned counsel for the Petitioner submits that the petitioner was appointed as Secondary Grade Teacher on 05.10.2017 in a sanctioned post as per the staff fixation report dated 14.03.2017. The said staff fixation report for the year 2016-2017 was issued based on the student strength prevailing at the time. Admittedly, 145 students are studying in the School and those 145 students are divided into 8 sections. Therefore, as per the Full Bench



Judgment, classes 1-8 is required to have minimum 8 teachers. But, originally 6 teachers were sanctioned to the School through staff fixation report dated 14.03.2017. Without considering all these facts, the Respondents arbitrarily returned the proposal. Aggrieved by the action of the Respondents, the Petitioner filed a writ petition in W.P.(MD) No.8031 of 2021. The learned Single Judge of this Court vide common judgment and order dated 22.07.2021 allowed the said Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“7. For the above reasons, the impugned order is liable to be set aside and accordingly, the impugned order passed by the third respondent, dated 13.11.2017, is hereby set aside. The fifth respondent is directed to resubmit the proposal within two weeks from the date of receipt of this order and on receipt of proposal, the respondents 1 to 4 are directed to approve the appointment of the petitioner, if the petitioner is otherwise eligible and pass orders, in the light of the guidelines issued by the Division Bench of this Court in W.A.(MD)No.76 of 2019, dated 31.03.2021 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. This Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed ”



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4. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 22.07.2021 in W.P.(MD) No. 8031 of 2021, the Respondents have not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this 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.

5. Today, when the matter is being taken up, Mr.F.Deepak, the learned Special Government Pleader for the Respondents, produced an order dated 13.03.2025, passed by the 3rd Respondent and submits that the Respondents have fully complied with the order passed by this Court dated 22.07.2021 in W.P.(MD)No.8031 of 2021. A copy of the said order has been taken on record and furnished to the learned counsel for the Petitioner.

6. The learned Special Government Pleader further submits that the Petitioner's appointment to the post of Secondary Grade Teacher was approved with effect from 05.10.2017. He also submits that the Petitioner will receive all service and monetary benefits within a period of six weeks from today, after completing due formalities. Thus, the order passed by this Court dated

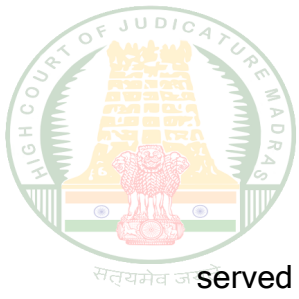


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22.07.2021 in W.P.(MD)No.8031 of 2021 of 2022 is complied with. Therefore, he prays that the Respondents be discharged from the contempt proceedings.

7. Mr.S.Chellapandian, learned counsel for the Petitioner submits that the Petitioner has received a copy of the order dated 13.03.2025. He also submits that, *prima facie*, it appears that the Respondents have fully complied with the order dated 22.07.2021 in W.P.(MD) No. 8031 of 2021. He also concurs with the submissions made by the learned Special Government that the Petitioner will receive all service and monetary benefits within six weeks, upon completion of requisite formalities. Therefore, he states that he has no objection to discharging the Respondents from the contempt proceedings at this stage and prays that this Court dispose of the present Contempt Petition accordingly.

8. Considering the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents, and upon perusal of the order dated 13.03.2025, this Court is satisfied that the Respondents have approved the Petitioner's appointment as Secondary Grade Teacher with effect from 05.10.2017, and have thus complied with the judgment and order dated 22.07.2021 in W.P.(MD)No.8031 of 2021. The learned Special Government Pleader has also assured that the service and monetary benefits will be disbursed within a period of six weeks from today. In view of this assurance, this Court deems it appropriate that no useful purpose would be



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9. In view of the above, the Contempt Petition is disposed of at this stage with a direction to the Respondents to disburse the service and monetary benefits to the Petitioner within a period of six weeks from today. The file shall be consigned to the record. There shall be no order as to costs.

18.03.2025

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

To:

- 1.The Director of Elementary School Education,
DPI Compound, College Road,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.
- 4.The Block Educational Officer,
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SHAMIM AHMED, J.

Nsr

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