

CONT.P(MD)No.3180 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.3180 of 2024

The Secretary,  
Thirthapathy Higher Secondary School,  
Ambasamudram,  
Tirunelveli District.

... Petitioner

vs.

1.M.Sivakumar,  
The Chief Educational Officer,  
Tirunelveli District,  
Tirunelveli.  
  
2.N.Saisubulakshmi  
The District Educational Officer,  
Cheranmahadevi Educational District,  
Tirunelveli.

... Respondents

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondent herein for deliberate violation of the order passed in W.P.(MD)No.17223 of 2022 dated 18.06.2024.

For Petitioner :Mr.K.R.Laxman



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For Respondents :Mr.F.Deepak  
Special Government Pleader

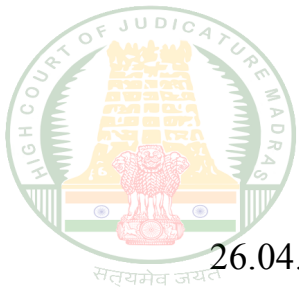
### **ORDER**

This Contempt Petition has been filed to punish the respondents/contemnors for deliberately and wilfully not complying with the order passed by this Court in W.P.(MD)No.17223 of 2022 dated 18.06.2024.

2. Heard Mr.K.R.Laxman, learned counsel for the petitioner and Mr.F.Deepak, learned Special Government Pleader for the respondent.

3. The short facts of case, led to filing of the Writ Petition bearing W.P.(MD) No.17223 of 2022, are as follows:-

The petitioner school has appointed one G.Thiripurasundari as Record Clerk, vide proceedings, dated 02.03.2022. The petitioner school sent a proposal on 09.03.2022 for approving his appointment on 02.03.2022 to the fourth respondent and the same was rejected on



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26.04.2022. Hence, the petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus to quash the order passed by the third respondent in Na.Ka.No.3406/A5/2020, dated 28.08.2020 and its consequential order passed by the fourth respondent in Na.Ka.No. 0836/A4/2022 dated 26.04.2022 and to direct the third respondent to approve the Appointment of G.Thiripurasundari as Record Clerk as on 02.03.2022 with all monetary benefits.

4. This Court, vide judgment and order dated 18.06.2024, had disposed of the said writ petition, relying upon the judgment and order passed in W.P.Nos.10525 of 2020 etc., batch, dated 06.12.2023, with the following directions:-

*“5.Since the petitioner herein is also similarly placed as that of the petitioners in the above writ petition, this petitioner is also entitled for the same relief.*

*6.Accordingly, following the earlier decision of this Court supra (W.P.Nos.10525 of 2020 etc., batch dated 06.12.2023.), this Writ Petition is disposed of in the above lines. No costs. Consequently, connected miscellaneous petitions are closed.”*



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5. The learned counsel for the petitioner submits that the order passed in W.P.(MD) No.17223 of 2022 dated 18.06.2024 has not been complied with. Thus, the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and are in contempt of the order of this Court dated 18.06.2024. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6. Mr.F.Deepak, learned Special Government Pleader for the respondents submits that the claim of the petitioner has been rejected by the first respondent, vide order dated 17.10.2024 on the ground that the respondents have preferred an appeal bearing W.A.(MD) No.816 of 2023, before the Division Bench of this Court and the same is pending for consideration. It was further submitted that in the judgment and order made in W.P.Nos.10525 of 2020 etc., batch dated 06.12.2023, the Hon'ble Division Bench of this Court observed as follows:-



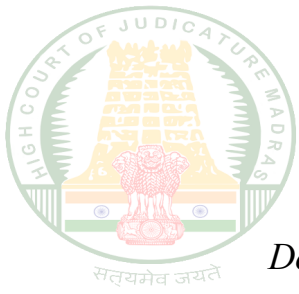
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*“4.The learned counsel for the petitioner submitted that the issue is no longer res integra and is covered by the decision of this Court in W.P.Nos.10525 of 2020 etc., batch dated 06.12.2023. While dealing with the same issue, this Court has observed in paragraph Nos.5 to 10 held as follows:-*

*“5. ....*

*10.Further in CMP(MD) No.6675 & 6677 of 2023 in WA. (MD)No.816 of 2023 dated 14.06.2023, filed before the 6/10 <https://www.mhc.tn.gov.in/judis> WP(MD) No.17223 of 2022 Hon-ble Division Bench of Madurai Bench of this High Court, has stayed the operations G.O.Ms.238, School Education (Pa.Ka.6(1) Department, dated 13.11.2018. Unless the Writ Appeal is disposed, no order either by upholding or by rejecting the impugned government order can be passed. Hence I feel these writ petitions can be disposed subject to the out come of the Writ Appeals. It goes without saying that the respondents would give approval if the Writ Appeal is dismissed. As the operation of the G.O.Ms.238, School Education (Pa.Ka.6(1)*



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*Department, dated 13.11.2018 has been stayed, the petitioners*

*do not have any difficulty to enjoy the status quo in WMP.Nos.*

*18664, 16749, 16742, 16743, 23797, 24575 of 2020 and 8038,*

*9457, 9462, 12056, 14048, 14164, 14558, 14621, 15466,*

*15470, 15881, 16552, 17636, 17645, 18148, 18842, 20075,*

*20083, 20065, 20068, 20088, 20244, 20476, 20480, 22118 of*

*2021, till the disposal of the writ appeal in WA.(MD)No.816 of*

*2023.”*

7. Thus, considering the observations made in W.P.Nos.10525 of 2020 etc., batch, the claim of the petitioner was rejected by the first respondent on the ground that the writ appeal bearing W.A.(MD) No.816 of 2023 is still pending and the claim of the petitioner will be considered based on the decision to be made in the Writ Appeal. Thus, he submits that the respondents may be discharged from the contempt proceedings, as the judgment and order of this Court in W.P.(MD) No.17223 of 2022, dated 18.06.2024 has been complied with by the first respondent, vide order dated 17.10.2024.



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8. Mr.K.R.Laxman, learned Counsel for the petitioner submits that he will pursue the appeal and he has no objection to dispose of the Contempt Petition at this stage with liberty to the petitioner to approach this Court if he so desired after the decision of the Writ Appeal. It was further submitted that the respondents may be discharged from the contempt proceedings, as the judgment and order of this Court dated 18.06.2024 has been complied with by the first respondent, vide order dated 17.10.2024.

9. Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the records, the order passed by the first respondent, dated 17.10.2024 and the observations made in W.P.Nos.10525 of 2020 etc., batch, this Court satisfied that the direction issued by this Court in W.P.(MD) No.17223 of 2022, dated 18.06.2024 has been fully complied with by the respondents and no useful purpose will be served in continuing the present contempt proceedings against the respondents.



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10. Accordingly, the Contempt Petition is finally disposed of with liberty to the petitioner to approach this Court if he so desired after the decision of the Writ Appeal bearing W.A.(MD) No.816 of 2023 and the respondents are discharged from the present contempt proceedings. No costs. The file is consigned to record.

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

**05.03.2025**

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To

- 1.The Chief Educational Officer,  
Tirunelveli District,  
Tirunelveli.
- 2.The District Educational Officer,  
Cheranmahadevi Educational District,  
Tirunelveli.



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**SHAMIM AHMED, J.**

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