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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

LPA.(MD)No.1 of 2023

and

CMP.(MD)No.5671 of 2023

The Secretary
Thiyagarajar Colony Primary School
Pasumalai - 625 004
Madurai District.

... Appellant

Vs.

The District Educational Officers
Madurai
Madurai District
Now
The District Educational Officer
Thirumangalam - 625 706
Madurai District.

... Respondent

PRAYER:- Letter Patent Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 06.12.2022 in Cont.P.(MD) No.1306 of 2022.

For Appellant : Mr.K.Ragathees Kumar,
for M/s.Isaac Chambers

For Respondent : Mr.C.Jeganathan,
Counsel for State.



JUDGMENT

WEB COPY(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

This letter patent appeal has been filed challenging the order dated 06.12.2022 in Cont.P.(MD)No.1306 of 2022, wherein various directions have been issued and, in effect, the orders passed in the writ petition in WP.(MD)No.20770 of 2016, dated 01.10.2021, have been modified.

2.The above said writ petition has been filed to quash the impugned order dated 11.08.2016 and the staff fixation orders for the academic years 2014-2015 and 2015-2016 dated 31.08.2015 and 19.09.2016 respectively. The said writ petition was allowed by a detailed order, on 01.10.2021. Challenging the said order, the respondents preferred a writ appeal in WA.(MD)No.604 of 2022. The Division Bench, after elaborate consideration of the matter on merits, dismissed the writ appeal by a judgment dated 15.07.2022. Thus, the order passed in the writ petition attained finality. Thereafter, in the contempt proceedings initiated alleging disobedience of the order passed by this Court, the learned Single Judge has modified the entire order and also issued



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various directions. In this regard, it is relevant to note that the Division Bench of this Court, in a similar matter, in the Division Bench of this Court in the case of **G.Subramaniam Vs. K. Phanindra Reddy**, reported in **2023 SCC OnLine Mad 720** (L.P.A. Nos. 6 to 50 of 2022, dated 10.02.2023), held as follows:-

53.The question whether an order passed in the writ petitions can be altered so as to modify its fulcrum, has been the subject matter of various decisions of this court. It is trite law that in a contempt jurisdiction, the court must concern itself the compliance disobedience of the order passed in the writ petitions and it cannot either enlarge the scope of the order passed in the writ petitions nor can it restrict or curtail the rights of the parties already granted in the writ petitions or modify or alter either the reasoning or the ratio of the order passed in the writ petitions. The judgement in Union of India v.Subedar Devassy PV, [(2006) 1 SCC 613] is extracted hereunder to substantiate the above position of law:

"2. While dealing with an application for contempt, the Court is really concerned with the



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question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a Court to examine the correctness of the earlier decision which had not been assailed and to take a view different from what was taken in the earlier decision. A similar view was taken in K.G. Derasari v. Union of India, (2001) 10 SCC 496 2002 SCC (L&S) 756. The Court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party who is alleged to have committed default in complying with the indefiniteness in the order, it is for the party concerned to approach directions in the judgement or order. If there was no ambiguity or the higher court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher Court. The Court exercising contempt jurisdiction cannot take upon itself the power to decide the original proceedings in a manner not dealt with by the court passing the judgement or order. Though strong reliance was placed by learned counsel for the appellants on a three-judge Bench decision in Niaz Mohd. v. State of Haryana, (1994) 6 SCC 332. we find that the same has no application to the facts of the present case. In that case the question arose about the impossibility to obey the order. If that



was the stand of the appellants, the least it could have done was to assail correctness of the judgement before the higher Court."

"6. If any party concerned is aggrieved by the order which in its opinion is wrong or against the rules or its implementation is neither practicable nor feasible, it should always either approach the Court that passed the order or invoke jurisdiction of the appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt, the Court cannot traverse beyond the order, non-compliance with which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test the correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible."

54. The following judgments may also be of relevance:



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A. In Jhareswar Prasad Paul v. Tarak Nath Ganguly, [(2002) 5 SCC 352: 2002 SCC (L&S) 703 2002 SCC OnLine SC 583], the Hon'ble Apex Court has held as follows:

"11. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. The Contempt of Courts Act, 1971 has been introduced under the Contempt the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution in the courts of record and also under the statute. The power is special and needs to be exercised with care and caution. It should be used sparingly by the courts on being satisfied regarding contemptuous conduct. It is to be kept in mind that the court exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction should be confined to the question



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whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. At the cost of repetition, be it stated here that the court exercising contempt concerned is primarily with the question of jurisdiction contumacious conduct of the party, which is alleged to have committed deliberate default in complying with the directions in the judgment or order. If the judgment or order does not contain any specific direction regarding a matter or if there is any ambiguity in the directions issued therein then it will be better to direct the parties to approach the court which disposed of the matter for clarification of the order instead of the court exercising contempt jurisdiction taking upon itself the power to decide the original proceeding in a manner not dealt with by the court passing the judgment or order. If this limitation is borne in mind then criticisms which are sometimes



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levelled against the courts exercising contempt of court jurisdiction "that it has exceeded its powers in granting substantive relief and issuing a direction regarding the same without proper adjudication of the dispute" in its entirety can be avoided. This will also avoid multiplicity of proceedings because the party which is prejudicially affected by the judgment or order passed in the contempt proceeding and granting relief and issuing fresh directions is likely to challenge that order and that may give rise to another round of litigation from a proceeding which is intended to maintain the majesty and image of courts.

B. *In Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399: 2006 SCC OnLine SC 628, it was held as follows:*

"21. There was also no justification for the further direction by the learned Single Judge in the contempt proceedings, that too by an interlocutory order, that the complainant should immediately and forthwith be reinstated into the service of the Bank, and shall be deemed to be in the service of the Bank all through, that the employee shall not be prevented in any manner from discharging his duties and that



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he shall be paid all arrears of salary within four weeks, and that the suspension order shall be deemed to have been revoked. These were totally outside the scope of the proceedings for contempt and amounted to adjudication of rights and liabilities not in issue in the contempt proceedings. At all events, on the facts and circumstances, there was no disobedience, breach or neglect on the part of the Bank and its President and Secretary, to provoke the Court to issue such directions, even assuming that such directions could be issued in the course of the contempt proceedings. Hence. Directions 2 and 3 and the direction relating to revocation of suspensions and to be set aside."

C. V.M. Manohar Prasad v. N. Ratnam Raju, [(2004) 13 SCC 610 : 2006 SCC (L&S) 907: 2003 SCC OnLine SC 1144], in which, it was observed as under:

"7. On the basis of what has been indicated above, the first submission is that there is no violation of the order passed by the learned Single Judge directing regularisation of the employees, since the said order has not been violated in any manner. The matter was considered in the light of the scheme for regularisation dated 24-4-1994. Secondly, it is



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submitted that the Contempt Court had no jurisdiction to issue any direction providing any substantive relief to the petitioners moving the contempt petition. In support of this contention reliance has been placed upon decisions of this Court in Jhareswar Prasad Paul v. Tarak Nath Ganguly [(2002) 5 SCC 352: 2002 SCC (L&S) 703] and Notified Area Council v. Bishnu C. Bhoi [(2001) 10 SCC 636: 2002 SCC (L&S) 1018]. There is no doubt about the position under the law that in contempt proceedings no further directions could be issued by the court. In case it is found that there is violation of the order passed by the court the court may punish the contemnor otherwise notice of contempt is to be discharged. An order passed in the contempt petition, could not be a supplemental order to the main order granting relief."

D. *In Director of Education v. Ved Prakash Joshi, [(2005) 6 SCC 98 : 2005 SCC (Cri) 1357: 2005 SCC (L&S) 812 2005 SCC OnLine SC 1035], it was held as under:*

"7. While dealing with an application for contempt, the Court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It



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would not be permissible for a court to examine the correctness of the earlier decision which had not been assailed and to take a view different than what was taken in the earlier decision. A similar view was taken in K.G. Derasari v. Union of India [(2001) 10 SCC 496 2002 SCC (L&S) 756]. The court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there was no ambiguity or indefiniteness in the order, it is for the party concerned to approach the higher court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher court. The court exercising contempt jurisdiction cannot take upon itself power to decide the original proceedings in a manner not dealt with by the court passing the judgment or order. Right or wrong the order has to be obeyed. Flouting an order of the court would render the party liable for contempt. While dealing with an application for contempt, the court cannot traverse beyond the order, non-compliance of which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test correctness or otherwise of the



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order or give additional directions or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible. In that view of the matter, the order of the High Court is set aside."

E. In Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami, [(2008) 5 SCC 339 2008 SCC OnLine SC 450], the Hon'ble Apex Court has held as follows:

"32. While exercising the said jurisdiction this Court does not intend to reopen the issues which could have been raised in the original proceeding nor shall it embark upon other questions including the plea of equities which could fall for consideration only in the original proceedings. The court is not concerned with as to whether the original order was right or wrong. The court must not take a different view or traverse beyond the same. It cannot ordinarily give an additional direction or delete a direction issued. In short, it will not do anything which would amount to exercise of its review jurisdiction. (See Director of Education v Ved Prakash Joshi (2005) 6 SCC 98: 2005 SCC (Cri) 1357: 2005 SCC (L&S) 812 AIR 2005 SC 32001 and



K.G. Derasari v Union of India (2001) 10 SCC 496: 2002 SCC (L&S) 756].)

33. *This Court, while exercising its jurisdiction under the Contempt of Courts Act or Article 129 of the Constitution of India must strive to give effect to the directions issued by this Court. When the claim of the parties had been adjudicated upon and has attained finality, it is not open for any party to go behind the said orders and seek to take away and/or truncate the effect thereof. (See T.R. Dhananjaya v. J. Vasudevan [(1995) 5 SCC 619: 1995 SCC (L&S) 1265: (1995) 31 ATC 177]).*

34. *In Prithawi Nath Ram v. State of Jharkhand [(2004) 7 SCC 261] this Court held: (SCC p. 264, para 5)*

"5. While dealing with an application for contempt, the court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a court to examine the correctness of the earlier decision which had not been assailed and to take a view different than what was taken in the earlier decision."

It was furthermore observed: (Prithawi Nath Ram case [(2004) 7 SCC 261], SCC p. 264, para 6)

"6. On the question of impossibility to carry



out the direction, the views expressed in *T.R. Dhananjaya v. J. Vasudevan* [(1995) 5 SCC 619: 1995 SCC (L&S) 1265: (1995) 31 ATC 177] need to be noted. It was held that when the claim inter se had been adjudicated and had attained finality, it is not open to the respondent to go behind the orders and truncate the effect thereof by hovering over the rules to get around the result, to legitimise legal alibi to circumvent the order passed by a court."...

F. In Sudhir Vasudeva v. M. George Ravishekarana, [(2014) 3 SCC 373 2014 SCC OnLine SC 103 at page 381], the Hon'ble Apex Court held as follows:

"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The



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*Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any Decided issues disobedience or wilful violation of the same. cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, *Jhareswar Prasad Paul v. Tarak Nath Ganguly* [(2002) 5 SCC 352: 2002 SCC (L&S) 703], *V.M. Manohar Prasad v. N. Ratnam Raju* ((2004) 13 SCC 610 : 2006 SCC (L&S) 907), *Bihar Finance Service House Construction Coop. Society Ltd. v.**



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Gautam Goswami [(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613]."

G. V. Senthur v. M. Vijayakumar, I.A.S, [2021 SCC OnLine SC 846], in which, it was held as follows:

"15. There can be no quarrel with the proposition that in a contempt jurisdiction, the court will not travel beyond the original judgment and direction; neither would it be permissible for the court to issue any supplementary or incidental directions, which are not to be found in the original judgment and order. The court is only concerned with the wilful or deliberate non-compliance of the directions issued in the original judgment and order.

16. At the outset, we may clarify that in the present proceedings, we are only concerned with the contempt of the order passed by this Court dated 22nd January 2016.

28. At the cost of repetition, we may clarify that though various arguments were advanced with regard to the merits of the matter by the learned Senior Counsel appearing on behalf of the respondent authorities, we cannot go into those aspects inasmuch as we are exercising limited jurisdiction of contempt...."



55. Thus, in the light of the discussion made hereinabove, this court holds that the present LPAs are maintainable in law, on the basis of the principles as elucidated in the previous paragraphs of this order. Further, this court has no hesitation to hold that the order dated 22.09.2022 passed in the writ petitions has been fundamentally modified in the order passed in the contempt petitions on 04.11.2022 and it would not be an overstatement to say that what has been given by one hand, has been taken away by another; the effect of which would be that the order passed in the contempt petitions is nothing but a veiled attempt to sit in judgement/appeal over the order passed in the writ petitions which is not permissible in law.

3. Considering the above judgment, we are of the view that when the matter had already attained finality between the parties concerned, the learned Single Judge, while exercising jurisdiction under the Contempt of Courts Act, ought not to have passed an order modifying the orders of the learned Writ Court and the Division Bench by, in effect, exercising appellate jurisdiction. Therefore, the impugned order passed in the contempt petition is liable to be set aside.



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4.In the result, this letter patent appeal is allowed and the order passed in Cont.P.(MD)No.1306 of 2022 dated 06.12.2022 is hereby set aside. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
15.06.2026

Index :Yes/No
Internet :Yes
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To

The District Educational Officers
Madurai
Madurai District
Now
The District Educational Officer
Thirumangalam - 625 706
Madurai District.



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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