



Cont.P.(MD)No.459 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.02.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

Cont. P(MD)No.459 of 2022
in
W.P.(MD)No.1415 of 2017

K.Satheesh Selvakumar

... Petitioner / Respondent

Vs.

Narayana Babu,
The Director,
Director of Medical Education,
Kilpauk,
Chennai-10.

... Contemnor / 2nd Appellant

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor for the deliberate and willful disobedience of the order dated 09.10.2018 passed by this Court in W.A.(MD)No.1415 of 2017.

For Petitioner :Mr.Mohammed Zamil
for M/s.Ajmal Associates

For Respondent :Mr.T.Amjad Khan
Government Advocate



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ORDER

(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

The petitioner has filed this contempt petition by contending that the direction given by this Court in W.A.(MD)No.1415 of 2017 has not been complied with.

2. The basic facts are not in dispute. The petitioner herein is working as lab technician in the health department. He aspired for the post of Librarian Grade-I. The qualification prescribed for the said post was possessing degree with BLIS. The petitioner had acquired MA degree through open University and thereafter acquired BLIS qualification. Based on this, he approached the department promoting him to the post of Librarian Grade-I for the year 2007-2008. Since his request was not considered, he filed W.P.(MD)No.8796 of 2010. The department pointed out that in view of G.O.Ms.No.116, P&AR(M1) Department, dated 18.08.2010 which made it clear that those who possess a PG degree through open University without obtaining a basic degree cannot be considered as possessing a PG degree for appointment to public service, the learned single Judge rejected the said submission on the ground that G.O.Ms.No.116, P&AR(M1) Department, dated 18.08.2010 cannot be



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retrospectively applied. In that view of the matter, the respondents were directed to promote the writ petitioner to the post of Librarian Grade I for the year 2007-2008. Questioning the said order, the State filed W.A.(MD)No.1415 of 2017. The writ appeal was disposed of vide order dated 09.10.2018 in the following terms:-

“5.The law is quite settled on this issue. The degree obtained from open university cannot be accepted as a valid degree, contrary to the one stipulated by the University Grants Commission. Therefore, such a degree cannot be taken note for promotion. However, in as much as the respondent has completed the degree in the year December, 2013 through Annamalai University, the appellants are directed to consider the case of the petitioner for promotion to the post of Librarian Grade - I for the academic year 2014 - 2015. The needful will have to be done within 8 weeks from the date of receipt of a copy of this order. However, such seniority will have to be recognized for the other purposes and there is no question of payment of any back wages or higher salary in the promoted cadre.”

Contending that the aforesaid direction of the Division Bench has not been complied with, this contempt petition came to be filed.

3. Even though no review application has been filed, we are afraid that directing enforcement of the direction of this Court would amount to committing an illegality. Admittedly, the petitioner obtained MA degree without



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obtaining basic degree. Therefore, MA (Sociology) obtained by the petitioner through open University system cannot be recognized. In fact, the Hon'ble Division Bench in its order dated 09.10.2018 clarified that the degree obtained from open university cannot be accepted as a valid degree since it is contrary to the norms stipulated by the University Grants Commission. It was further observed that such degree cannot be taken note for promotion. The Hon'ble Division Bench chose to overlook the factual position by taking into account the obtaining of degree subsequently in the year 2013 through distance education. In that view of the matter, the appellants were directed to consider the petitioner's case for promotion to the post of Librarian Grade-I for the academic year 2014-2015. It was further made clear that there was no question of payment of any backwages or higher salary in the promoted cadre.

4. The learned Government Advocate appearing for the respondents would point out that the petitioner obtained BLIS qualification in the year 2006 and for obtaining BLIS, one has to possess a valid degree. Since MA (Sociology) obtained by the petitioner could not be recognized, his BLIS qualification also cannot be recognized. Thus, it is true that the petitioner obtained a regular degree by the year 2013. Thus, as on date, he can be said to be a holder of regular degree and not BLIS qualification. Promoting the petitioner



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to the post of Librarian Grade-I would run contrary to law. Because of this impediment, the respondents were in a quandary. It is well settled that mere breach of the Court's order will not give rise to contempt. In this case, the authority were in a quandary on account of the reasons mentioned above. We therefore of the view that this contempt deserves to be closed. The contempt petition is accordingly closed.

[G.R.S., J.] [R.K.M., J.]
25.02.2026

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

The Director,
Director of Medical Education,
Kilpauk,
Chennai-10.



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