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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-11-2026

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE M.D.SUMATHI

CONT P(MD) No. 3763 of 2026
IN
W.P.(MD)No.10150 of 2019

CNR:{HCMD011622922026}

Ramasubbu
S/o. Late S. Vijayakumar,
Door No.8/18C,
Sri Sakthi Nagar,
Krishnapuram,
Tirunelveli District -627 011.

..Petitioner(s)

Vs

1. K.Gopal, IAS,
   The Secretry to Government,
   Department of Higher Education,
   Secretariat,
   Fort St.George,
   Chennai.

2. R.V.Shajeevana IAS,
   Director of Public Libraries,
   Public Libraries Directorate,
   737/1, Anna Salai,
   Chennai -600 002.

3. The Secretary,

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School Education Department,
Chennai
(R3 is suo motu impleaded as per the
Court Order dt 16.11.2026 in Cont P(MD)
No. 3763 of 2026)

4. Dr.B.Chandra Mohan, IAS,
Secretary / Additional Chief Secretary,
School Education Department,
Secretariat,
Chennai-600 009.

5. Mrs.S.Jayanthi,IAS,
Former Director of Public Libraries,
Anna Salai,
Chennai-600 002.

6. Dr.M.Aarthi,IAS,
Managing Director of Public Libraries,
Public Libraries Directorate,
737/1, Anna Salai,
Chennai – 600 002.
(R-4 to R-6 are suo motu impleaded
vide order dated 20.11.2026.)

..Respondent(s)

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against Respondents 1 and 2 for their willful deliberate, and contumacious disobedience of the directions issued in the Judgment dated 19.06.2024 in W.P. (MD) No. 10150 of 2019 and punish the contemnors/respondents in

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their personal and official capacities with maximum imprisonment and fine.

For Petitioner(s) : Shri.K.P.S.Palanivelrajan,
Senior counsel,
for Mr.P.M.Vishnu Varthanan.

For Respondent(s) : Shri.Vijay Narayan,
Advocate General,
assisted by,
Shri.P.V.Balasubramaniam,
Additional Advocate General,
assisted by,
Mr.B.Saravanan,
Additional Advocate General,
assisted by,
Mr.M.Kannan,
Special Government Pleader.

Mr.R.John Sathyan,
State Public Prosecutor,
assisted by,
Mr.D.Venkatesh,
Additional Public Prosecutor.

Shri.V.Raghavachari,
Senior counsel,
assisted by,
Mr.Adithyan Viswanathan
for intervenor.

ORDER

(Order of the Court was made by G.R. SWAMINATHAN J.)

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Heard both sides.

2. The learned Public Prosecutor informed us that WP(Crl.) No.3118 of 2026 has been filed in respect of the very same subject matter before the Principal Seat. It was listed for admission on 19.11.2026. The learned Judge had adjourned the matter to 23.11.2026.

3. Considering the special facts and circumstances of this case, we request the Hon'ble Judge holding the V&AC roster to monitor the investigation in Crime No.4 of 2026.

4. Shri.P.V.Balasubramaniam, learned Additional Advocate General informed the Court that the suggestions collected by this Court and placed for consideration before the Government will be deliberated upon and a comprehensive policy with regard to procurement of books for public libraries will be issued within eight weeks. He assures this Court that lessons

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have been sufficiently learnt and that the proposed policy will plug in all the loopholes that have now surfaced. We make it clear that the proposed policy shall not be in the form of guidelines. They should have an enforceable character. Their breach should be treated as punishable misconduct warranting disciplinary action.

5. We wanted to know as to what happened to the library cess collected from the general public as part of Property Tax. Accounts statement for the last 20 years shall be placed before the Hon'ble Judge holding V&AC roster in the Principal Seat.

6. Shri.V.Raghavachari, learned Senior counsel submits that the order passed by this Court calling for suspension of officials has been misconstrued and innocent persons such as Mrs.Kamakshi, Chief Librarian, Anna Public Library have been victimised. It will not be fair on our part to go into the

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merits of the individual cases. It is needless to mention that such suspended officials can independently challenge the suspension orders by filing writ petitions and that the concerned challenges will be considered without being influenced by the observations made by us in our orders.

7. Shri.K.P.S.Palanivel Rajan, learned Senior counsel for the petitioner submits that while this Court in exercising Contempt jurisdiction cannot micromanage, still, the persons at the helm of affairs cannot be allowed to go scot-free. According to him, when the order of this Court has been breached, the persons at the helm of affairs are bound to answer. Though we find force in the said submission, we want to be sure that there is no overlapping of contempt proceedings and the criminal prosecution. Hence, we direct issuance of statutory notice to Mrs.Jayanthi, IAS who was the Director of Public Libraries during the relevant time. We may consider roping in other officials based on subsequent

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developments. It will not be a case of double jeopardy. While the officials will have to answer for the offences committed by them, they can also be hauled up for the very same act if it is found to have been done in wilfull breach of our direction. We were informed that the same official who was incharge of the Committee which finalised the prices was also incharge of the Audit. We found this to be rather strange. We may call for explanation from the said official also.

8. All the relevant files pertaining to the impugned procurements will be placed before us in soft copy form on the next hearing date.

9. Issue statutory notice to the fifth respondent. The State Government admits that an ugly scandal involving loss of millions of rupees has taken place. Accountability has to be fixed. All those responsible will have to be identified. No tier in the administrative hierarchy can be insulated from

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scrutiny. There is an unfortunate tendency to let go those in the top rung. In contempt proceedings, we will be dealing only with those at the helm of affairs. They may be involved. They may not be also. One cannot pre-judge. If those facing contempt proceedings are also culpable, the law officers defending them can face potential conflict of interest. It is said that law officers neither win nor lose. They only assist the Court in effectively adjudicating the cases involving the Government. The law officer defending the contemnor in contempt proceedings would certainly put in an embarassing situation if the proceedings as they unfold point the needle of suspicion at the contemnor. That is why, it would be in fitness of things if the Government counsel or even the learned Additional Advocate General do not rush to the rescue of the contemnors. This is more in the nature of suggestion in view of the peculiar facts and circumstances of this case. We have come across a judgment of the Madhya Pradesh High Court forbidding Government counsel from appearing in contempt

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proceedings. This decision was overruled. We are unable to lay our hands on the said decisions. But we came across a Constitution Bench judgment in ***T.C.Hingorani Vs. G.P.Misra (1965 SCC OnLine SC 365)***, the question was whether the legendary K.L.Misra, the then Advocate General of U.P. was entitled to appear on behalf of the appellant in contempt proceedings. The appellant while acting as the Railway Magistrate had purportedly disobeyed the directions of the Sessions Judge. The Government enlisted the services of the Advocate General for the contemnor. Objection was taken to his appearance. The objection was sustained by the High Court. The Hon'ble Supreme Court reversed the decision of the High Court. This is not the ocassion to analyse the said decision and test its applicability to the case on hand. The Hon'ble Supreme Court in the said decision made an observation that the fact that the Advocate General entered appearance unambiguously showed that he knew what he was doing and that he must have felt that the proceedings in

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question were not of a character in which the Government was likely to ask for his advice. Another aspect was also taken note of. Article 165(2) of the Constitution provides that it shall be the duty of the Advocate General to perform such other duties of a legal character referred or assigned to him by the Governor. In that case, the Government of the day had called upon Shri.K.L.Misra to defend the contemnor. We are, therefore, of the view that while an Advocate can take up any brief that comes to him, the law officer, including the Additional Advocate General, must thoroughly satisfy his conscience that the case does not involve any criminal culpability on the part of the contemnor. Only after being so morally satisfied with reference to the records and facts appearing in the matter, he can rise to defend the contemnor before the Court. In other words, acceptance of the brief must be preceded by objective satisfaction as to the innocence of the contemnor. Why have we added this caveat? Because K.L.Misras are no longer around and the field is populated by

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lesser mortals.

10. Let the contemnor(R5) satisfy us that she had not wilfully breached the directions given by this Court. That would be the end of the matter as far as she is concerned. We clarify that in these proceedings, we will scrutinise the role played by those at the top. Post after four weeks.

(G.R.S.,J.) **(M.D.S.,J.)**

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3. The Secretary
   School Education Department
   Chennai

4. Dr.B.Chandra Mohan, IAS,
   Secretary / Additional Chief Secretary,
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