

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 233 of 2022

Applicant :- Upendra Kumar Dayal

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary Examination
Regulatory Authority

Counsel for Applicant :- Ramesh Kumar Tiwari, Anurag Tripathi, Rahul
Kumar Mishra

Counsel for Opposite Party :- Yatindra

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1552 of 2022

Applicant :- Priyanka Sen

Opposite Party :- Sri Anil Bhushan, Secretary And Another

Counsel for Applicant :- Sangam Singh, Deeplata

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1584 of 2022

Applicant :- Arun Kumar

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary

Counsel for Applicant :- Javed Raza

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1590 of 2022

Applicant :- Alka Devi

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary

Counsel for Applicant :- Javed Raza

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1827 of 2022

Applicant :- Ankush Kumar

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary Examination
Regulatory Authority

Counsel for Applicant :- Javed Raza

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1856 of 2022

Applicant :- Pooja Kamboj

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary

Counsel for Applicant :- Javed Raza

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2396 of 2022

Applicant :- Rinki Verma And 6 Others

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary Examination Regulatory Authority

Counsel for Applicant :- Om Prakash Singh, Narendra Kumar

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7327 of 2022

Applicant :- Km. Alka Dubey

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary

Counsel for Applicant :- Anurag Tripathi

with

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7331 of 2022

Applicant :- Garima Pathak

Opposite Party :- Shri Anil Bhushan Chaturvedi, Secretary, Examination Regulatory Authority

Counsel for Applicant :- Anurag Tripathi

Hon'ble Rohit Ranjan Agarwal, J.

1. Pursuant to order dated 23.11.2023, Anil Bhushan Chaturvedi, Secretary, Examination Regulatory Authority, U.P., Prayagraj and Pratap Singh Baghel, Secretary, Basic Education Board, U.P., Prayagraj are present in the Court today who are identified by their respective counsel, Sri Brijesh Kumar and Sri Yatindra.

2. Personal affidavits of both officers along with an exemption application have been filed today which are taken on record.

3. In para no. 7 of affidavit filed on behalf of opposite party no. 1, Secretary, Examination Regulatory Authority (*hereinafter called as 'SERA'*), it has been mentioned that in pursuance to Government Order dated 26.11.2023, one mark has been awarded to applicants in Contempt Application (Civil) No. 233 of 2022 along with the

other connected contempt applications. Thus, the order passed by appellate Court in case of **Abhishek Srivastava and others vs. State of U.P. and others, Special Appeal Defective No. 343 of 2021**, decided on 25.08.2021 has been complied with.

4. When the Court interacted with Secretary, Examination Regulatory Authority, he submitted that out of 2249 candidates, one mark has already been awarded to 15 candidates who are before this Court and for rest of the candidates, he may be granted 15 days time for complying the order of Division Bench.

5. Opposite party no. 2, Sri Pratap Singh Baghel, Secretary, Basic Education Board, U.P., Prayagraj submitted that after one mark is awarded by Examination Regulatory Authority, his office shall process the case of each candidate who has been awarded one mark and merit list would be prepared within a period of two months from today.

6. Learned counsel appearing for applicant submitted that one Contempt Application (Civil) No. 3011 of 2022 is pending before Lucknow Bench of this Court in which the next date fixed is 19.12.2023. According to him, only partial compliance of the order of appellate Court has been done by opposite party no. 1 by awarding one mark but the merit list and issuance of appointment letter has not been done by opposite party no. 2, Secretary, Basic Education Board, U.P., Prayagraj.

7. This Court after hearing counsel for respective parties and opposite party nos. 1 and 2, who are in the Court in person, and perusing material on record, finds that the applicants before this Court had already been awarded one mark each complying the order of Division Bench rendered in case of **Abhishek Srivastava (supra)** in pursuance of Government Order dated 26.11.2023 and

statement has been made by Secretary, Basic Education Board, U.P., Prayagraj in the open Court today that merit list would be prepared within a period of two months, this Court finds that substantial compliance has been done by opposite party complying the orders of Division Bench which has been affirmed by Apex Court.

8. In view of said fact, the contempt application along with all the other connected contempt application stands disposed of hoping that entire exercise will be completed at the end of opposite party no. 2, within a period of two months from today.

9. However, in case, the undertaking given by opposite party no. 2 before this Court is not complied by him within the period fixed above, the applicants shall have liberty of moving a recall application.

10. Personal appearance of opposite party nos. 1 and 2 are exempted and contempt notice stands discharged.

Order Date :- 28.11.2023

V.S.Singh