

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1159 of 2021

Applicant :- Smt Kesha Devi

Opposite Party :- Sujeet Singh, C.D.P.O.

Counsel for Applicant :- Pramod Kumar Srivastava, Munna Lal

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court while partly allowing the Writ-A No. 11787 of 2015 on 20.01.2020 passed the following order;

"Heard Sri Pramod Kumar Srivastava, learned counsel for petitioner and Sri Shekhar Singh, learned Additional Chief Standing Counsel for the State respondents.

Learned counsel for petitioner is permitted to implead Child Development Programme Officer, Sant Ravi Das Nagar, as respondent no. 5 in the array of parties during the course of day.

This writ petition has been filed assailing the order dated 25.11.2014 passed by newly impleaded respondent no. 5.

It is contended that pursuant to the advertisement published in the year 2011 petitioner applied for being appointed as Anganbari Karyakatri. She submitted her application form alongwith income certificate. During selection, it was found that the income certificate, so submitted by the petitioner, was forged. The said order was challenged before this Court by filing Writ-A No. 30074 of 2013, and on 06.11.2013 the order impugned in that writ petition dated 07.03.2013 was quashed and matter was remitted to the authority concerned to pass order afresh.

Pursuant to which an inquiry was conducted and in the report submitted by Tehsildar it was found that the income certificate, so submitted by petitioner, was correct. However, as selection in question was of the year 2011, the respondent no. 5 declined to grant appointment in view of Special Leave Petition No(s). 5707-5708 of 2014 before the Apex Court.

Sri Srivastava, learned counsel for petitioner, has submitted that the said special leave petition was disposed of by Apex Court on 01.12.2014 and order has been brought on record as annexure no. 1 to the rejoinder affidavit.

Learned Additional Chief Standing Counsel, on the other hand, submitted that after remand order passed by the Apex Court the matter is still engaging the attention of this Court.

Having heard learned counsel for parties and after perusal of the material on record, it appears that selection in question was of the year 2011, which was

never under challenge before the Apex Court and further the matter has already been decided by the Apex Court on 01.12.2014 and has been remitted to this Court for fresh adjudication. Once the authorities have found the income certificate, so submitted by petitioner, to be genuine one, there was no occasion not to grant her appointment.

In view of the above, the order impugned dated 25.11.2014 passed by respondent no. 5 is hereby quashed and matter is remitted to respondent no. 5 to decide the same afresh and pass orders, in accordance with law, keeping in view the fact that special leave petition has already been decided by the Apex Court. It is expected that the said exercise be undertaken by respondent no. 5 preferably within a period of three months from the date of production of certified copy of this order before him.

Writ petition is partly allowed."

Today, learned Standing Counsel has placed before the Court the instructions, so received by him, which are taken on record. According to the said instructions, the matter has been decided afresh by the opposite party on 23.07.2022.

As the order of writ Court has been complied by the opposite party, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 5.12.2023

Shekhar