

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4196 of 2023

Applicant :- Markandey Pratap Sahi

Opposite Party :- Brahma Dev, Director Of Higher Education
U.P. Prayagraj

Counsel for Applicant :- Ramesh Chandra Dwivedi

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant and Sri Rajeev Trivedi, learned Standing Counsel for the State.

The writ Court while disposing of Writ-A No. 8094 of 2022 on 23.09.2022 passed the following order:-

"1. Petition has remained pending for long. No counter affidavit has been filed despite time granted.

2. On one hand, learned Standing Counsel prays for time to file counter affidavit, on the other hand, learned counsel for the petitioner states, the present petition may be disposed of with a direction upon respondent to decide the petitioner's representation.

3. Facts are uncertain and limited prayer has been made by learned counsel for the petitioner. Present writ petition is being disposed of with the following direction:

(i) petitioner is at liberty to file a fresh representation within a period of two weeks from today supported by his personal affidavit and all documents as he may seek to rely before respondent no.2. On such representation being filed by the petitioner, the said respondent shall enquire the true facts of the present case and pass necessary orders by a reasoned and speaking order on the claim made by the petitioner;

(ii) if the respondent proposes to reject the petitioner's claim, a short notice may be issued to the petitioner, containing description of the reasons proposed to be taken by the State respondent authority. That compliance may be made within a period of one month from the date of representation being filed by the petitioner;

(iii) petitioner shall have two weeks' thereafter to file his reply thereto. Thereafter final order may be passed within a further period of one month, subject to compliance made by the petitioner.

4. Needless to add, any amount found payable, be paid out to the petitioner within a further period of one month therefrom."

From perusal of the order, it is clear that a liberty was granted to applicant to file a fresh representation ventilating his grievance which was to be decided by opposite party.

A compliance affidavit has been filed by State. In para no. 5 of affidavit, it has been stated representation has been decided on 09.08.2023. Copy of which has been brought on record as Annexure-1 to compliance affidavit.

In view of said fact, as the order of writ Court has been complied with, the contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

Order Date :- 13.10.2023

V.S.Singh