

**Court No. - 9**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 6649 of 2023

**Applicant :-** Kirti Yadav

**Opposite Party :-** Ashish Kumar Pandey, District Basic Education Officer

**Counsel for Applicant :-** Birendra Kaushik

**Hon'ble Rohit Ranjan Agarwal,J.**

1. The writ Court on 30.09.2022, in Writ - A No.12914 of 2022 had passed the following order :

*"Heard Sri Birendra Kaushik, learned counsel for the petitioner and Smt. Archana Singh, learned counsel for respondent No.3. Sri B.K. Yadav, learned counsel has accepted notice on behalf of respondent No.4. Learned Standing Counsel represents the State-respondents.*

*The petitioner, by means of the present writ petition, has prayed for issuance of writ of mandamus commanding the respondent No.3 i.e. the Secretary Basic Shiksha Parishad, Prayagraj, to consider the report of District Appointing Committee, Firozabad dated 8.3.2022 and pass appropriate orders in the light of the Government Order No. 80/68-5-2021 dated 5.3.2021. Further prayer for directing the respondents to pay the salary as and when the same falls due, is also made.*

*This Court, by orders dated 7.9.2022 and 16.9.2022, had granted time to learned counsel representing respondent No.3 to seek instructions in the matter.*

*On instructions received, Smt. Archana Singh submits that there is no dispute as regards the fact that the petitioner has obtained higher marks from the last selected candidate and is entitled for appointment, however, the marks-statement of the petitioner has not been got verified from the University. In that regard a communication dated 23.9.2022 has been made by the Secretary, U.P. Basic Shiksha Parishad, Prayagraj, to the District Basic Education Officer, Firozabad, requiring him to get the revised marks-statement / certificate from the University concerned so that necessary order can be passed thereafter.*

*Learned counsel for the petitioner submits that appropriate directions may issued to the District Basic Education Officer to get the testimonials of the petitioner verified as desired by the Secretary, U.P. Basic Shiksha Parishad, Prayagraj.*

*Considering the submissions advanced by learned counsel for the parties, this Court is of the opinion that the writ petition can be disposed of requiring the District Basic Education Officer, Firozabad/ respondent No.4 to comply with the directions of the Secretary, U.P. Basic Shiksha Parishad, Prayagraj, and get the testimonials of the petitioner verified from the University concerned and thereafter proceed to do the needful. The District Basic Education Officer, Firozabad, shall complete all the formalities within a period of two months from the date of service of certified copy of this order.*

*Accordingly, the writ petition stands disposed of."*

2. A compliance affidavit on behalf of State has been filed today, which is taken on record.

3. Learned counsel appearing for opposite party states that the order of writ Court has been complied with and the claim of the applicant has been considered and decided by the opposite party on 06.11.2023, a copy of which has been brought on record as Annexure 1 to the compliance affidavit.

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

5. Contempt notice stands discharged.

**Order Date :- 8.11.2023**

Kushal