

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7176 of 2023

Applicant :- Mahendra Pratap Yadav

Opposite Party :- Sri Ramsaran Singh, Joint Director Of Education And 2 Others

Counsel for Applicant :- Ravi Pratap Singh

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 11.11.2022 while disposing off Writ-A No. 323 of 2000 passed the following order;

"Heard the counsel for the petitioner.

The present writ petition has been filed challenging the order dated 30.3.1999 passed by the District Inspector of Schools, Jaunpur withholding the salary of the petitioner.

The order has been incorporated on the salary register / salary bill submitted by the Committee of Management, Bahudhandhi Uchchatar Madhyamik Vidyalaya Sonahita, Jaunpur. The petitioner claims to have been appointed as Teacher in L.T. Grade on ad hoc basis. While admitting the writ petition for hearing, the order dated 30.3.1999 was stayed and an interim order was passed directing the District Inspector of Schools, Jaunpur to pay salary to the petitioner.

Through the same order incorporated on the salary slip, the District Inspector of Schools had also withheld the salary of one Sabhapati Upadhyaya also appointed as Teacher in L.T. Grade in the aforesaid institution. Sri Sabhapati Upadhyaya challenged the aforesaid order in Writ - A No. 126 of 2000 which was allowed by this Court vide its order dated 5.1.2016. Through its order dated 5.1.2016 passed in Writ - A No. 126 of 2000, the Court had set-aside the order dated 30.3.1999 and had directed that the claim of petitioner for regularization be presented before the Regional Level Committee which shall take a decision on the claim of the petitioner for regularization within one month from the date the matter is submitted before him.

As the facts and the legal questions involved in the present writ petition are the same as involved in Writ - A No. 126 of 2000, the present writ petition is also allowed in terms of the order dated 5.1.2016 passed by this Court in Writ - A No. 126 of 2000. The order dated 30.3.1999 passed by the District Inspector of Schools, Jaunpur is, hereby, quashed.

The District Inspector of Schools, Jaunpur is directed to present the case of the petitioner for regularization in service before the Regional Level Committee which shall take a decision on the matter regarding regularization within one month from the date when the matter is submitted before the

Committee. The District Inspector of Schools shall submit the matter before the Regional Level Committee within 15 days from the date a certified copy of this order is produced before him.

It has been stated that the petitioner has already retired from service. Consequential orders regarding post retiral benefits payable to the petitioner will be dependent on the decision of the Regional Level Committee on the claim of petitioner for regularization and the same shall also be decided by the Regional Level Committee along with the claim of the petitioner for regularization.

In case, the petitioner is found entitled to the post retiral dues, the same shall be released within one month from the date of the decision of the Regional Level Committee.

With the aforesaid direction, the writ petition is allowed."

Today from perusal of the order of writ Court, it is clear that the Regional Level Committee was required to decide the claim of the applicant.

Today a compliance affidavit has been filed wherein it has been stated that the order of writ Court has been complied by the Regional Level Committee on 22.11.2023, copy of which has been brought on record as annexure No. 2 to the compliance affidavit.

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.

However, leaving it open to the applicant to challenge the order passed by the Regional Level Committee before the appropriate forum, if so advised.

Order Date :- 4.12.2023

Shekhar