

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7773 of 2023

Applicant :- Mahendra Kamal

Opposite Party :- Pratap Singh Baghel, Secretary

Counsel for Applicant :- Kamal Kumar Keshherwani

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 01.09.2022 in Writ-A No. 11899 of 2022 passed the following order;

"Heard learned counsel for petitioner, learned Standing Counsel appearing on behalf of respondent no.1 and Mr. Sanjay Kumar Singh, learned counsel for respondents no. 2 & 3.

Petition has been filed seeking a direction to the respondents to consider his claim for compassionate appointment on Class III or Class IV post in accordance with his qualification.

Learned counsel for petitioner submits that petitioner's mother late Shiv Pyari was working on the post of peon in the Upper Primary School concerned when she passed away on 28.4.2011 during service. In pursuance thereof, petitioner was appointed on the post of Assistant Teacher on compassionate basis vide appointment order dated 2.9.2011 but the same was cancelled vide order dated 13.7.2012 on the ground that petitioner did not have requisite qualification for the said post.

Writ petition against aforesaid order, Special Appeal and subsequent Special Leave Petition of petitioner were dismissed with the dismissal of Special Leave petition having taken place on 17.01.2022 due to which the present writ petition has been filed seeking a direction to the respondents as indicated herein above. For the said purpose, petitioner has already submitted a representation dated 12.1.2022. At present learned counsel for the petitioner restricts his prayer for a final decision with regard to same.

Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case, respondent No.2 i.e. Secretary, Uttar Pradesh Basic Education Board, Prayagraj is directed to decide representation by reasoned and speaking order within a period of six weeks from the date a copy of this order is produced before him ignoring the fact of the date of death of petitioner's mother since cause of action to petitioner is very much surviving considering the Special Leave Petition of petitioner has been dismissed in January, 2022 itself and particularly in view of order dated 01.10.2012 passed in Writ A No. 50727 of 2012 filed earlier by petitioner whereby his claim was required to be considered against existing Class III or Class IV vacancies except those vacancies which were required to be filled up by promotion.

With the aforesaid observations, the writ petition stands disposed of."

A compliance affidavit has been filed today which is taken on record.

Learned Standing Counsel states that the representation of the applicant has been decided by the opposite party on 08.12.2023, copy of which has been brought on record as annexure No. 1 to the affidavit of compliance.

In view of the said fact 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 :- 14.12.2023

Shekhar