

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2949 of 2023

Applicant :- C/M Kisan Inter College Saraiyan Raja Saheb Thru. Manager. Desh Raj Verma And Another

Opposite Party :- Rajendra Singh Distt. Inspector Of School Sitapur

Counsel for Applicant :- Desh Raj Singh, Deshraj Singh

Hon'ble Rajesh Singh Chauhan, J.

1. Heard.

2. This Court has passed the order dated 22.11.2023, which reads as under:-

"1. Heard.

2. This Court has passed the order dated 10.10.2023 which reads as under:

"1. Heard learned counsel for the applicant-petitioners as well as Mr. Amrendra Pratap Singh, learned Additional Chief Standing Counsel, appearing of the sole opposite party - contemnor.

2. Mr. Amrendra Pratap Singh, learned Additional Chief Standing Counsel, appearing of the sole opposite party - contemnor, states that he has received complete instructions in the matter and, some reasonable time may be allowed to him for filing affidavit of compliance. Let him do so within four weeks.

3. Let the matter be listed thereafter, on 22.11.2023.

4. On or before 22.11.2023, let affidavit of compliance be filed by the opposite party - contemnor, making compliance of order of the writ-Court in its letter and spirit, failing which Mr. Rajendra Singh, District Inspector of Schools, Sitapur shall remain present before this Court on the next date of listing."

3. Sri Mayanker Singh, learned Standing Counsel has stated that he may be given some reasonable time to file the affidavit of compliance.

4. Let the affidavit of compliance be filed within a period of three weeks, making compliance of the order of Writ Court in its letter and spirit, failing which the opposite party, namely, Sri Rajendra Singh, District Inspector of Schools, District Sitapur, shall appear in person on the next date.

5. List on 14th of December, 2023."

3. In compliance of the aforesaid order, Sri Sunil Bajpai, learned Additional Chief Standing Counsel has filed affidavit of compliance, today in the Court, the same is taken on record.

4. Sri Sunil Bajpai, learned Additional Chief Standing Counsel has drawn attention of this Court towards para-7 of the affidavit

of compliance wherein it has been indicated that the order of the Writ Court has been complied with in its letter and spirit.

5. However, learned counsel for the petitioner has stated that the District Inspector of Schools, Sitapur has tried to circumvent the order dated 24.08.2022 while passing the order dated 08.12.2023 (Annexure No.CA-1). He has further stated that the election in question has not been conducted strictly in accordance with law, so the aforesaid order is nullity in the eyes of law.

6. Be that as it may, if in compliance of order of the Writ Court any order has been passed by the Competent Authority and if that order suffers from illegality or impropriety, the same may be assailed before appropriate court of law but authenticity and validity of the aforesaid order may not be tested by the Contempt Court and the Contempt Court may not quash the said order.

7. Accordingly, the instant contempt petition is ***dismissed***.

8. Notices, if any, stand discharged.

9. However, it is always open for the petitioner to assail the aforesaid order before the appropriate court of law/ authority.

[Rajesh Singh Chauhan,J.]

Order Date :- 14.12.2023

Suresh/