

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2854 of 2023

Applicant :- Mohd. Fuzail Ahamad

Opposite Party :- Ms. Monika Garg, Secy. Minority Welfare And Wakf Anubhag-3 Civil Secrty., Govt. Lko. And Others

Counsel for Applicant :- Vinay Misra

Counsel for Opposite Party :- Afzal Ahmad Siddiqui, Afzal Ahmad Siddiqui

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Vinay Misra, learned counsel for the petitioner, Sri Afzal Ahmad Siddiqui, learned counsel for the opposite party nos. 3 and 4 and Sri Anirudh Singh, learned Standing Counsel for opposite party nos. 1 and 2.

2. Sri Anirudh Singh has filed short counter affidavit of opposite party no. 1 and 2, same are taken on record.

3. Sri Afzal Ahmad Siddiqui has already filed affidavit of compliance on 12.10.2023, which is on record.

4. Sri Afzal Ahmad as well as Sri Anirudh Singh have drawn attention of this Court towards order dated 25.9.2023 passed by the Registrar / Inspector, U.P. Madarsa Education Board, Lucknow whereby the promotion made in favour of the petitioner vide order dated 8.10.2015 has been withdrawn and the appointment of the petitioner has been cancelled. Further, attention has been drawn towards the order dated 4.10.2023 passed by this Court in re: **Civil Misc. Review Application Defective No. 209 of 2023** whereby the review application, so filed by the Registrar / Inspector, U.P. Madarsa Shiksha Board, Lucknow, has been dismissed for the reason that subsequent to the order dated 31.5.2023 a fresh order has been passed withdrawing the financial approval granted to the petitioner, therefore, there would be no purpose to review the order. For the convenience the order being passed by the review court dated 4.10.2023 is being reproduced as under :

"Order on I.A. No.1 of 2023

1. The abovesaid application has been filed seeking condonation of delay in filing the review application.

2. The cause shown is sufficient. The application is allowed. The delay is condoned.

Order on Review Application

3. The present review application has been filed seeking review of the judgment and order dated 31.05.2023.

4. Submission of the Counsel for the applicant is that subsequent to the passing of the order dated 31.05.2023, a fresh order has been passed withdrawing the financial approval granted to the petitioner.

5. Considering the fact that fresh order has already been passed after passing of the order dated 31.05.2023, I do not see any reason for reviewing the order dated 31.05.2023 on the ground as are being argued by the Counsel for the applicant.

6. In view of above, the review application lacks merit and is hereby dismissed."

5. In view of the aforesaid facts and circumstances and having regard the fact that the Registrar / Inspector, U.P. Madarsa Education Board, Lucknow passed the order dated 25.9.2023 subsequent to the order dated 31.5.2023 passed by this Court and also the order dated 4.10.2023 passed in review application, I do not find any fruitful purpose to keep this contempt petition pending any longer.

6. Accordingly, the contempt petition is **dismissed**.

7. Notices discharged.

8. However, it is always open for the petitioner to challenge the order dated 25.9.2023 before the appropriate court of law.

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[Rajesh Singh Chauhan, J.]

Order Date :- 28.10.2023

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