

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2975 of 2023

Applicant :- C/M Sazida Girls Inter College(Minority Instituton), Thru. Its Manager Dr. Akhtar Saeed Ansari

Opposite Party :- Sri Deepak Kumar, Prin. Secy. Deptt. Of Secondary Edu. Civil Sectt. Lko. And Another

Counsel for Applicant :- Birendra Narain Shukla,Krishna Kumar Singh,Sanjay Kumar Bajpai

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for petitioner and Shri Amrendra Pratap Singh, learned Standing Counsel.

2. Shri Birendra Narain Shukla has filed rejoinder affidavit against the affidavit of compliance by submitting that the order dated 26.09.2023 passed by Shri Mahendra Dev, Director Education Secondary, U.P., which has been filed as Annexure No.1 to the affidavit of compliance has not been passed properly and the provision so indicated in the aforesaid order would not be applicable in the present case. The claim of the petitioner has been rejected only for the rejection sake and in terms of the order of the writ court, the permission should have been given to the petitioner to fill up at least 10 posts of Assistant Teacher. He has further submitted that so far as the further direction of the writ court regarding 2 more teachers is concerned, the opposite party has not indicated anything regarding those 2 teachers. Therefore, as a matter of fact, the order dated 26.09.2023 has been passed illegally resultant thereof the Institution of the petitioner is not running properly as the Institution is having only one teacher in primary section.

3. The paper book reveals that the affidavit of compliance is not on record and it has been informed that the same shall be put up

before this Court tomorrow.

4. The learned Standing Counsel has provided his own copy to peruse the affidavit of compliance.

5. Having heard learned counsel for parties and having perused the material available on record and having regard to the fact that the Director Education Secondary, U.P. has passed the order dated 26.09.2023 indicating the reason as to why the claim of the petitioner may not be considered, therefore, if the aforesaid order has not been passed properly or the provisions of law which have been cited in that order are not applicable in the present case, the petitioner may very well assail that order before the appropriate court of law but the present contempt petition may not be kept pending for any good purpose inasmuch as the authenticity and validity of the order dated 26.09.2023 (supra) which has been passed in compliance of the order of the writ court may not be tested by the contempt court. Accordingly, the contempt petition is **dismissed**.

6. Notices are discharged.

7. The office is directed to keep the affidavit of compliance on record after the order being passed by this Court.

Order Date :- 21.11.2023
Mohd. Sharif