

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3312 of 2023

Applicant :- Mohammad Yasin @ Mohammad Yasin Hasmi

Opposite Party :- Deepak Kumar, Addl. Chief Secy. Deptt. Of Basic Education, Govt.Of U.P.,Civil Sectt. Lko.And Others

Counsel for Applicant :- Lalendra Pratap Singh

Counsel for Opposite Party :- Krishna Madhav Shukla,Shailendra Singh Rajawat

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed order dated 2.11.2023 which reads as under :

"1. Heard learned counsel for the petitioner.

2. Sri Mohit Jauhari, learned Standing Counsel has appeared for opposite party No.2. Sri Shailendra Singh Rajawat, learned counsel has filed application for granting time along with affidavit of Ms. Deepika Chaurvedi, the District Basic Education Officer, Sultanpur and Sri Krishna Madhav Shukla, learned counsel has filed Vakaltname on behalf of opposite party No.4, the same are taken on record.

3. All the aforesaid learned counsels for the opposite parties have stated that they have received instructions from their parties, therefore, they may be given some reasonable time to file their affidavit of compliance.

4. Let the affidavits of compliance be filed within a period of four weeks.

5. List this case on 11.12.2023.

6. On or before 11.12.2023, the affidavit of compliance be filed by the opposite party Nos.2, 3 & 4 making compliance of order of the Writ Court in its letter and spirit, failing which, the opposite party Nos.2, 3 & 4, namely, Ram Sagarpatri Tripathi, Additional Director of Education (Basic), Ayodhya Mandal, Ayodhya, Ms. Deepika Chaturvedi, District Basic Education Officer, Sultanpur and Sri Shivdwar Mishra, Manager, Committee of Management, Sarvodaya Laghu Madhyamik Vidyalaya, Mahmoodpur, Sarangpur, Post Office-Bejhuri, District-Sultanpur shall appear in person before the Court on the next date.

7. When the case is next listed, names of S/Sri Shailendra Singh Rajawat and Krishna Madhav Shukla, Advocates be printed in the cause list as counsel for the opposite parties."

3. In compliance of the aforesaid order Sri Shailendra Singh Rajawat has filed affidavit of compliance, same is taken on record.

4. Ms. Deepika Chaturvedi, District Basic Education Officer, Sultanpur and Sri Shivdwar Mishra, Manager, Committee of Management, Sarvodaya Laghu Madhyamik Vidyalaya, Sultanpur are present in person.

5. In the aforesaid affidavit order dated 7.12.2023 has been enclosed as Annexure no. 1, passed by the same authority whereby in terms of order of the writ court the dues have been directed to be paid to the petitioner subject to the final outcome of the special appeal, if any inasmuch as per Sri Rajawat it has been decided that the order of the writ court may be assailed before the appellate court by filing special appeal. Sri Rajawat has also informed that for getting actual benefits the petitioner is also required to fulfilling some conditions, therefore, the petitioner may also fulfill those conditions inasmuch as unless those conditions are fulfilled the actual benefit may not be given to the petitioner. To that learned counsel for the petitioner has stated that the petitioners have completed all the required formalities at the earliest.

6. Be that as it may, when the order of the writ court has been complied with, nothing remains to be adjudicated by this Court in this contempt petition.

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

8. Notices discharged.

9. However, it is observed that if the petitioner completes the required formalities then after completion of aforesaid required formalities the benefit of the order of the writ court dated 7.12.2023(supra) would be provided to the petitioner with expedition preferably within a period of six weeks failing which the liberty is given to the learned counsel for the petitioner to file appropriate application seeking revival of the contempt petition and if the contempt petition is revived the appropriate order may be passed under the Contempt of Courts Act.

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[Rajesh Singh Chauhan, J.]

Order Date :- 11.12.2023

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