

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 515 of 2013

1. Dr.(Mrs.)Binda Sharma W/o N.K. Sharma Aged About 55 years R/o Kalpana Vihar, Ameri Road, Opposite CSEB, Sub -Station, Bilaspur C.G.
2. Dr. (Mrs.) Sunita Tiwari W/o Dr. Shekhar Tiwari Aged About 50 Years R/o Tiwari Nursing Home, Ring Road, Bharitiya Nagar Chowk, Bilaspur C.G.
3. Dr. Aditya Kumar Dubey S/o A.P. Dubey Aged About 49 Years R/o Madhuban Raod, Dayalband, Bilaspur C.G.
4. Dr. Rajesh Kumar Shukla S/o Dayanand Shukla Aged About 47 Years R/o Tiwari Chal, Rajendra Nagar, Bilaspur C.G.

---- Petitioners

Versus

1. Dr.Babu Lal Agrawal Aged About 52 Years Commissioner & Secretary Of Higher Education, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (C.G.) 492001
2. Dr. Arun Singh Aged About 51 Years Registrar, Bilaspur University, Bilaspur C.G.
3. Dr. P.C. Dwivedi Aged About 50 Years Principal, C.M.D. Post Graduate College, Bilaspur C.G.

---- Respondents

For Petitioners	: Dr. N. K. Shukla Sr. Advocate with Shri Aditya Tiwari
For Respondent No 1.	: Shri Kishore Bhaduri Advocate
For Respondent No 2.	: Shri Mateen Siddiqui Advocate

Order On Board

14/07/2015

This petition has been filed by the petitioners for initiation of contempt proceedings

against the respondents on the allegation of willful disobedience of order dated 10.05.2013 passed in WP No 1457/2013.

2. Learned counsel for the petitioners submits that there was a clear direction by this Court to the respondents to extend the benefit under Clause 9 (n) of the conditions mentioned in order dated 30.03.2010 vide Annexure (P-6) in the writ petition.

3. It is submitted that while considering petitioners' claim, the aforesaid direction has been violated and claim rejected.

4. Learned counsel for respondents submits that only for the limited purposes of prima-facie consideration whether, the petitioner's claim had some substance, observations were made. The authorities have taken into consideration the entire aspect of the matter and the decision has been taken in compliance of the order of the Court.

5. In the order dated 10.05.2013, this Court only for the limited purposes of prima-facie consideration whether the petitioners had some case worth consideration, made observations. The issue therein was not decided by the Court. It was left for the determination of the respondents. Now the respondent has decided the matter, rejecting the claim of the petitioners. Irrespective of merits of the claim of the petitioners, it can not be said that by rejecting petitioners' claim, the respondents have acted in willful disobedience towards non-compliance of the order passed by this Court in the writ petition. Therefore, I am not inclined to proceed against the respondents.

6. Rule is therefore discharged.

7. The petition is accordingly dismissed. However, with liberty to the petitioners to assail legality and validity of order dated 19.12. 2013 (Annexure R-2).

Sd/-

Manindra Mohan Shrivastava

Judge

Amita