

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 61 of 2010

- Shiv Chandra Shah, S/o Shri Lal Bihari Shah, Sanchalak Kanya Ashram, Dimrapal, Distt.- Bastar (C.G.)

---- Petitioner

Versus

1. R. P. Mandale, Secretary, Schedule Caste, Schedule Tribe & Backward Class Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
2. J.R. Nagwanshi, Collectore, Tribal Department, Distt. Baster (C.G.)
3. Dharampal Saini, President, Mata Rukhamani Seva Sansthan, Dimrapal, Distt.-Bastar (C.G.)
4. Netrapal Singh, Secretary, Mata Rukhamani Seva Sansthan, Dimrapal, Distt.-Bastar (C.G.)

---- Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For Respondent Nos. 1 & 2 / State	:	Mr. Vivek Sharma, GA
For Respondent Nos. 3 & 4	:	Mr. Subhash Yadav, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/06/2016

Heard.

1. This petition has been preferred by the petitioner against the respondents / Contemnors under the Comtempt of Court Act for willful disobedience of the order passed by this Court on 25.06.2009.
2. Learned counsel for the petitioner submits that the earlier wirt petition was disposed off observing that nothing survives for adjudication because State counsel makes submission that the representation of the petitioner will be considered and decided in accordance with law. Learned counsel for the petitioner further submits that the intent and spirit of the order was that the petitioner is to be granted benefit as has been granted in the case of **Smt. A. Lall v. State of Chhattisgarh & Others¹**.

1 2007 (1) BLJ 265

3. On the other hand, learned State counsel submits that the petition was disposed off without adjudication on any issue, that in the event, the petitioner makes representation, the same will be considered and decided, in accordance with law. As there was no decision on merit, the authority had applied their own mind and decision was taken to the best of understanding of the officer and there is no willful disobedience.
4. This Court in lis vide order dated 10th November, 2009, in view of the submission made by the State counsel that the representation would be considered in accordance with law, the writ petition was disposed off recording that nothing survives for adjudication. There was no specific direction to grant any peculiar benefit, much or less, to the petitioner by this Court as given in the case of Smt. A Lall (supra).
5. Irrespective of whether the order rejecting the petitioner's claim is in accordance with law or not, the Government has taken a decision in the matter to send the matter for consideration before respondent No.3. It appears that respondent No.3 - Institution has also passed an order in the matter.
6. Irrespective of the merits of the case, in the absence of any observation on the merit of the case, I am not inclined to proceed further in the present petition. Accordingly, the petition stands disposed off. No contempt is made out. The petitioner would be at liberty to challenge the orders passed by the Government and School Authorities.

Sd/-
(Manindra Mohan Shrivastava)
Judge