

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 264 of 2017

N. R. Kurre S/o Late Kartik Ram Kurrey, Aged About 56 Years Presently Working As Principal In Government Boys Higher Secondary School Chhuikhadan, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Shri Vikash Sheel The Secretary School Education Department Mantralaya Mahanadi Bhawan New Raipur, Chhattisgarh
2. Shri B.L.Kurre, District Education Officer, District Rajnandgaon, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner	:	Shri Sushil Dubey, Advocate
For respondents	:	Shri N.K. Chatterjee, Advocate

S.B. Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/07/2017

Heard.

1. The present petition has been filed alleging non-compliance of the order dated 23.3.2017 passed in WPS No.1418 of 2017.
2. During course of the hearing, learned counsel for the respondents produced the documents as Annexure R-1 along with the return. It is a document dated 29.12.2016. The said document refers to earlier order of transfer issued in favour of the petitioner on 30.7.2016 to have been cancelled. This order was not placed before the writ Court when WPS No.1418 of 2017 was being disposed of.
3. Learned counsel for the petitioner submits that the said letter dated 29.12.2016 has not been communicated to the petitioner till date, therefore, it could not be brought to notice of the Court in WPS No.1418 of 2017.
4. Learned counsel for the respondents, on the other hand, refers to document (Annexure R-2) which reflects relevant portion of the dispatch register by which the order was forwarded.

5. Be that as it may, since the original order of transfer dated 30.7.2016 was not produced before this Court at any point of time and thereafter it also reflects that there is communication made by the District Collector on 10.2.2017 recommending for transfer of the petitioner as well as one Tukaram Sahu, Assistant Grade-III in the context of certain complaint which were received, the order of attachment dated 14.3.2017 has been passed. Since all these material were not placed before the Court at the time of disposal of writ petition on 23.3.2017, this Court is of the opinion that it cannot be said to be a case of willful non-compliance of the order dated 23.3.2017 passed in WPS No.1418 of 2017. Reserving liberty to the petitioner to take appropriate remedy available to him to question the order of attachment dated 14.3.2017 as also communication being made by the District Collector recommending his transfer, this present contempt petition is dropped at this juncture and the contempt proceedings initiated against the respondent also stands dropped.

Sd/-
(P. Sam Koshy)
Judge