

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2172 of 2016

DATED : 21.07.2017

Between :

N. Ravi Kumar, B.Sc, B.Ed., S/o.Swamy,
Caste : S.T., Aged about 35 yrs,
Working as Biological Science School Assistant,
Contract Residential Teacher (CRT),
Presently working in Government Tribal Welfare
Ashram High School (Girls), Gudur,
Warangal District & others.

.. Petitioners

And

Sri Pocham,
S/o.Not known, Aged about 42 yrs,
The Deputy Director Tribal Welfare Officer,
Eturunagaram, Warangal District & another.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2172 of 2016

ORDER :

Petitioners worked as contract residential teachers and the grievance in the writ petition was that they are not being continued and their claim for regularization which was pending will be in jeopardy, if they are not continued. It appears similar cases are pending and in view of the earlier interim orders passed in W.P.No.23270 of 2015, this Court granted interim direction as prayed for by the petitioners in W.P.No.35884 of 2015. Interim prayer sought was to direct the respondents to continue the petitioners as contract residential teachers for the respective posts pending regularization proceeding and pending disposal of W.P.No.35884 of 2015. Alleging non-compliance of the said order, this contempt case is filed.

2. In the counter affidavit deposited by the 2nd respondent-D. Amoy Kumar, he states that petitioners have not worked in the respective schools during the academic year 2014-15 and their services were not renewed during the next academic year. By the time the order was passed, the academic year has already commenced. Even in the affidavit filed in support of the writ petition, petitioners have also stated that they are not continued. Prayer in the writ petition itself is non-continuation in service is arbitrary and discriminatory. Thus, it cannot be said that petitioners were working and they are not continued after the interim order was passed.

3. Learned counsel for the petitioners sought to contend that petitioners are deprived of continuing and they are already aged 40 years and at this stage, if regularization is not granted, grave prejudice would be caused to them. These are matters which require consideration in the writ petition.

4. As per the averments in the writ petition affidavit and the prayer, it appears that petitioners were not continued during the academic year 2014-15. The effect of the order would mean if petitioners are already working, not to dispense with their services after the interim orders are passed. Non-compliance of the order would arise if petitioners are not continued after the interim orders. Therefore, non-continuation of petitioners after the interim orders passed when they were not working by the time interim order was made, does not amount to wilful and deliberate disobedience of the orders of this Court.

5. Thus, leaving it open to the petitioners to contest all the issues in the writ petition including the contentions made herein, the Contempt case is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

21st July, 2017
Rds

P.NAVEEN RAO,J

HON'BLE SRI JUSTICE P. NAVEEN RAO



CONTEMPT CASE No.2172 of 2016

DATED :21.07.2017

Rds

