

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 1064 of 2018**

Dr. Sunil Kumar Tandon S/o Shri Daulal Tandon Aged About 31 Years
R/o 305/I, Risali Sector, Bhilai Nagar, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. Niharika Barik Singh, Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhawan New Raipur District Chhattisgarh.
2. Dr. G. S. Badesha, Director, Ayurved Yog Evam Praakritik Chikitsa Unani Siddha Evam Homeopathy (AYUSH) Raipur District Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Chandresh Shrivastava, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/10/2018**

1. The present contempt petition has been filed alleging willful non-compliance of the order dated 08.08.2018, passed in WPS No. 5080/2018.
2. The aforementioned writ petition was filed by the applicant challenging the action on the part of the respondents in considering the case of the respondent No.5 therein i.e. Ms. Ravina Mehra for the post of Ayurved Medical Officer/Physician. The ground of challenge was that according to the petitioner the said candidate i.e. Ms. Ravina Mehra did not belong to the schedule caste category, against which she is being considered for appointment.
3. This Court had disposed off the writ petition with an observation that while granting appointment to such candidate, the respondents should ensure that necessary scrutiny should be done to ascertain the authenticity of the documents filed.

4. The counsel for the petitioner now has filed this contempt petition alleging that without conducting any sort of a scrutiny or verification, the respondents have issued an appointment in favour of Ms. Ravina Mehra i.e. the respondent No.5 in the writ petition.
5. Prima facie, this Court is of the opinion that the said action on the part of the respondents in granting appointment would not fall within the ambit of contempt jurisdiction for the reason that the only observation of this Court was that to ensure the veracity/authenticity of the documents enclosed by the candidate who is being considered for the post of Ayurved Medical Officer/Physician before issuance of an order of appointment. Thereafter, if the respondents have issued an order of appointment, this Court is constrained to presume that they must have definitely scrutinized the documents enclosed by the said candidate.
6. Given the said facts that the respondents have subsequently issued an order of appointment, this Court is of the opinion that the said action would not amount to contempt of Court and the remedy available to the petitioner would be to challenge the order of appointment of the petitioner by way of a fresh writ petition seeking issuance of a writ of quo-warranto.
7. The present contempt petition thus being not maintainable deserves to be and is accordingly dismissed.

Sd/
(P. Sam Koshy)
Judge