

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Contempt Case No.1806 of 2018

ORDER:

The petitioners filed the instant contempt petition on the main ground that the respondent has wilfully and deliberately violated the orders of this Court dated 17.05.2018.

2) The respondent appeared and filed his counter denying the allegations.

3) Heard arguments of learned counsel for petitioner and learned Assistant Solicitor General for respondent.

4) The point for consideration is:

“Whether the respondent is guilty of committing gross violation of the order of this Court dated 17.05.2018?”

5) **POINT:** As can be seen, this Court order dated 17.05.2018 reads thus:

“Under these circumstances, the respondent authorities are directed to permit the petitioner to attend the Screening Committee meeting for selection of officers for research fellowship at Delhi, to be held on 24.05.2018 and 25.05.2018 and withhold his result until further orders of this Court.”

Subsequently, in I.A.Nos.3 and 5/2018, this Court passed an order on 11.07.2018 as follows:

“In view of the facts and circumstances of the case, the respondents are directed to declare the results of the petitioner and basing on his merit allot a seat to the petitioner for the research fellowship for the academic year 2018-19/20, which will be subject to the orders of this Court.

Accordingly, these applications are disposed of”.

The grievance of the petitioner appears to be that though the petitioner was permitted to attend interview for selection of officers for research fellow-ship at Delhi on 05.06.2018, however, the respondent has deliberately not allotted him the research fellow-ship in Centre for Land Welfare Studies (CLAWS) and thereby they have violated the order dated 17.05.2018. The respondent in his counter has strenuously narrated as to how the orders of this Court dated 17.05.2018 and 11.07.2018 were scrupulously complied with and why the petitioner could not be recommended for research fellow-ship in CLAWS. It is further contended that in the order dated 17.05.2018, this Court only directed the respondent to permit the petitioner to attend the Screening Committee meeting for selection of officers for research fellow-ship at Delhi proposed to be held on 24.05.2018 and 25.05.2018 and withhold the petitioner's result until further orders and in the said order, this Court has not gave a specific direction that one seat in CLAWS should be kept reserved until further orders and therefore, the petitioner cannot harp that one seat in CLAWS was not reserved or his research fellow-ship was not recommended in CLAWS.

6) I find considerable force in the submission of learned Assistant Solicitor General. In the extracted order dated 17.05.2018, this Court only directed the respondent to permit the petitioner to attend the Screening Committee meeting for selection of officers for research fellow-ship at Delhi and withhold the result of the petitioner but in the said order there was no specific direction that respondent should set apart the seat in CLAWS. It is not in dispute that in due obedience to the above order, the respondent authorities permitted the petitioner to attend the Screening Committee meeting on 05.06.2018 and the petitioner also attended the Screening Committee meeting on 05.06.2018 and his result was also withheld. Therefore, the petitioner cannot clamour that the respondent committed any violation of the order dated 17.05.2018. Not only that, following the subsequent order dated 11.07.2018, the respondent authorities declared the result of the petitioner and allotted him a seat in National Maritime Foundation (NMF). The respondent in his counter gave the reasons as to why the petitioner was not selected for CLAWS and why he was allotted NMF. In the present context, that aspect is not an issue. The allotment made to petitioner in NMF instead of CLAWS can be a subject matter of discussion in the main writ petition. What is germane for consideration at this juncture is whether the order dated 17.05.2018 was deliberately flouted by the respondent. However, the facts would show that the respondent has not committed any violation as already noted supra. In that view, this Contempt Case is not maintainable.

7) Accordingly, this Contempt Case is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 22.11.2018
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