

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.2413 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr. Peeta Raman and Smt. C.Vani Reddy for the parties.

On 17.08.2018, this Court ordered I.A.No.1 of 2018 in W.P.No.29205 of 2018. The operative portion of the order read thus:

“There will be an interim order directing that the respondents will admit the petitioner to pursue D.El.Ed., Course basing upon her rank secured in DEECET – 2018 entrance examination coupled with rank and pass provisionally and subject to further orders.

The respondents will file counter affidavit, if the writ petition is contested, within four weeks”.

The 2nd respondent did not implement the order resulting in filing the present contempt case. The 2nd respondent by filing the counter affidavit tries to justify the action for not complying with the order dated 17.08.2018. The Government Pleader, having regard to the subsequent developments viz., that the petitioner is already admitted, persuaded us not to take serious view of the action of 2nd respondent or the stand taken in the counter affidavit. In the case on hand, but for the persuasion submissions of the Government Pleader, we may not have closed the contempt case, but would have heard and passed the orders as may be correct and proper, after taking note of the objections, including the conduct of 2nd respondent.

Prima facie, we are of the view that the 2nd respondent ought to have implemented the order or direction of the Court without delay in the absence of a challenge to the said order before the appellate Court or stay granted by superior Court.

The contempt case is closed without considering the conduct of 2nd respondent or the extent of disobedience, however, by directing him to deposit Rs.500/- (Rupees five hundred only) as costs to the credit of the Secretary, District Legal Services Authority, Warangal and the 2nd respondent files proof of such deposit before this Court within two weeks from today. The costs, if are not deposited as directed above, it is made clear that the contempt case on an application filed by petitioner will be revived for consideration on merits.

The contempt case is, accordingly, closed with costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

23rd November, 2018

Note:

Issue CC in (3) days.

Pnb/Lrkm