

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 106 of 2018

1. Hemant Kumar Shrivastava S/o Late Shri B P Shrivastava Aged About 60 Years Address - Posted As Asstt. Gr.-I/head Clerk At Govt. D.K. Post Graduate College, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

1. Shri Ashish Kumar Bhatt Secretary, Department Of Higher Education, Mantralay, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Dr. Basav Raju S. Commissioner, Higher Education Department, Indrawati Bhawan, New Raipur, Chhattisgarh
3. Shri Neeraj Mandloi Commissioner, Department Of Higher Education, Bhopal, Madhya Pradesh

-----Respondents

For Applicant : Mr. Rajesh K. Kesharwani, Advocate.
For Respondents : Mr. P.N. Bharat and Mr. Manish Nigam, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.06.2019

1. This Court in WPS No. 1540 of 2015 vide its Order dated 31.08.2017 had disposed off the Writ Petition directing the Respondent No. 1 and 2 to ensure the ACR of the petitioner of the year 1990 is made available to him directly by the Respondent No. 02. On receipt of the said ACR, the petitioner in turn was supposed to make a representation against the adverse entries that was made in the ACR for the said year.
2. The present Contempt Petition has been filed alleging non-compliance of the directive given by this Court. The two contesting

respondents representing the State of Chhattisgarh as well as the State of M.P. have filed an affidavit stating that they didn't have the ACR of the petitioner of the year 1990. On account of which, neither the State of Chhattisgarh nor M.P. complied with the directive. Each of the respondents are putting the blame on the other State Government. The contention of the State of M.P. is that, the ACR has been handed over by the State of Chhattisgarh at the time of allocation of the petitioner to Chhattisgarh and the State of M.P takes a stand that they have not received the ACR of the petitioner for the period 1981-90 and all the subsequent ACR have been received.

3. Given the categorical facts by the two officers, it appears that either one of the states is making a false submission. In view of the same, this Court would be compelled to draw an adverse inference against each of the respondents.
4. Given the following fact, since this Court in the present case is under contempt jurisdiction is in not passing any orders, at this stage, reserving the right of the petitioner to file subsequent petition, if he desires for an appropriate relief to be granted by this High Court in exercise of its powers under Article 226 of the Constitution of India.
5. With the aforesaid directions, the present Contempt Petition stands disposed off at this juncture.

Sd/-
(P. Sam Koshy)
Judge