

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 144 of 2019

Mithilesh Kumar Patel S/o Chamru Singh Patel Aged About 40 Years Presently Working As Teacher (Panchayat), Government Middle School, Chaple, Block - Kharsia, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

Smt. Chandan Sanjay Tripathi Presently Working As Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh. (Contemnor), District : Raigarh, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Vivek Kumar Agrawal, Advocate
For Respondent	:	Shri Shashank Thakur, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2020

1. This petition has been filed by the petitioner alleging willful disobedience of order dated 25.1.2018 passed in batch of petitions including petition filed by the present petitioner. By the said order, this Court had directed Jila Panchayat, Raigarh to re-examine the whole issue in the light of various communications referred to therein.
2. Contempt petition has been filed alleging that till date, no final orders have been passed in case of the petitioner though the Jila Panchayat, Raigarh, at its level had constituted a Committee and made a recommendation for preparing a select list including the petitioner herein.
3. In this matter, the Chief Executive Officer, Jila Panchayat, Raigarh has filed her affidavit in connected Contempt Case No.1060 of 2018, stating that in compliance of the order of this Court, cases of writ petitioners were re-examined and a select list was also prepared but in the meantime, the control of the school has been taken over by the School Education

Department of the State of Chhattisgarh and, therefore, no further steps could be taken by the Chief Executive Officer, Jila Panchayat, Raigarh.

4. Learned counsel for the respondent further draws attention of this Court to the communications dated 29.6.2018, 19.9.2018 and 22.12.2018 addressed to the Director, Panchayat, Chhattisgarh.
5. It appears that respondent though re-examined the case of the petitioner and also prepared select list, orders cannot be issued because in the meantime, the concerned School where the petitioner is posted and working has been taken over under its control by the State Government in the Department of School Education.
6. In view of the aforesaid consideration, no further proceedings can be drawn against the Chief Executive Officer, Jila Panchayat, Raigarh and contempt proceedings therefore dropped.
7. It appears that the order of this Court has not been brought to the notice of the Secretary, Department of School Education that proper orders are required to be passed in the case of the petitioner in compliance of the direction issued by this Court. The Secretary, Department of School Education, Govt. of Chhattisgarh is therefore obliged under the law and consequently directed to take necessary steps and pass appropriate orders in compliance of the order of the Court within a period of three months from the date of receipt of copy of this order which is now being passed.
8. The contempt petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge