

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 179 of 2019

Om Prakash Sahare S/o Late Shri Daguji Sahare Aged About 42 Years
Guest Faculty (Hindi), Government Lal Chakradhar Shah College,
Ambagarh Chowki, District Rajnandgaon Chhattisgarh --- **Petitioner**

Versus

Dr. R. K. Mandavi Principal Government Lal Chakradhar Shah College
Ambagarh Chowki, District Rajnandgaon Chhattisgarh. (Contemnor)
---- **Respondent**

For Petitioner	: Shri Rahul Mishra, Adv.
For Respondent/s	: Shri Ghanshyam Kashyap, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.01.2020

1. The present contempt petition has been filed alleging non compliance of the order dated 31.07.2018 passed in WPS No. 7525/2017 alleging non compliance to the interim direction given by this Court in as much as staying any fresh development for filling up the post by way of Guest Faculty. It would be relevant at this juncture to reproduce the operative part of the order dated 31.07.2018 has held as under:-

“Taking into consideration the entire factual matrix of the case, as the petitioners are working as Guest Faculty members since previous academic session and that there being no disqualification or dis-satisfactory performance on the part of the petitioners, they shall be permitted to continue as Guest Faculty for the present academic session also.

It is further ordered that the State Govt. should ensure that a set of Guest Faculty appointed after undergoing due process of selection should not be normally substituted by another set of Guest Faculty unless the services of the Guest Faculty is discontinued for either misconduct or unsatisfactory work. The respondents are restrained from filling up the post of Guest Faculty in the subject and institution where the petitioners were working from the previous academic session, thereby, there shall be a stay to the advertisements to the extent of filling up of the post in the subject against which the petitioners were appointed in the previous year.”

2. The Counsel for the respondent on notice has entered appearance along with response, they have filed document dated 01.05.2018, the said document clearly reflects that the petitioner services were terminated w.e.f. 01.05.2018. Further document also in the reply shows that the services of the petitioner were discontinued on account of unsatisfactory work. The interim order was obtained by the petitioner much after the order of termination is passed and the writ petition itself was filed much after the issuance of the order dated 01.05.2018.
3. The contention of the Learned Counsel for the Petitioner that the said order is an anti dated order is a question which needs to be adjudicated upon and which can not be done in exercise of contempt jurisdiction of this Court. This Court in the interim order itself has specifically held that the services of Guest Faculty should not be substituted by another set of Guest Faculty unless the services of the Guest Faculty are discontinued either for misconduct or for unsatisfactory work. If the petitioner services have been discontinued on his unsatisfactory work which from the order of termination it reflects, this Court is of the opinion that there is no Act of contempt as such made out against the respondent.
4. Reserving the right of the petitioner to challenge the order of termination, if he so chooses or challenge any subsequent development, the present contempt petition in its present form stands disposed of.

Sd/-

**(P. Sam Koshy)
Judge**