

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 279 of 2020**

Priyanka Agrawal W/o Shri Pradeep Agrawal Aged About 39 Years R/o Shiksha Nagar, Near Pratap Auto, Rajim Road, Abhanpur, Dist- Raipur, Chhattisgarh,
---- Petitioner

Versus

1. Mrs. Niharika Barikh Singh Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Shri Satyanarayan Rathore Controller, Foods And Drugs Administration, Block-4th Floor, Indravati Bhawan, Atal Nagar, Raipur, Chhattisgarh

---Respondents

For Petitioner : Ms. Surya Kawalkar Dangi, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/03/2020**

1. The present contempt petition has been filed alleging disobedience of the order dated 14.03.2019 passed in WPS No. 2661/2016.
2. It would be relevant at this juncture to refer to the relevant portion of the order dated 14.03.2019 passed in aforementioned writ petition, which is reproduced hereinunder;-

“5 Given the aforesaid factual matrix of the case, this Court is of the opinion that since in the writ petition i.e. WPS 2028 of 2015 there was no specific interim relief granted by the High Court against the recruitment process initiated except for making an observation that any recruitment made would be subject to final outcome of the writ petition, **this Court is of the view that nothing prevents the State Govt. from proceeding further in issuance of the appointment orders if they intend to.** However it would always be mentioned that any appointment made by the State would be only subject to the outcome of the writ petition i.e. WPS No. 2028/2015.”

3. The plain reading of the highlighted portion referred to in the preceding paragraph would clearly reveal that there was no writ of mandamus issued to the respondents for compliance of any such direction. Subsequently, it appears that respondents have vide their order dated 02.12.2019 have rejected the claim of the petitioner for appointment.

4. This Court thus is of the opinion that since the respondents have subsequently passed the order dated 02.12.2019 and the fact that there was no specific writ or direction issued to the respondents, the act on the part of the respondent in passing the order dated 02.12.2019 would not be one which could be brought under the Contempt of Court of Act. The remedy available to the petitioner would be to challenge the same by way of a fresh writ petition.
5. With the aforesaid liberty, the contempt petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge