

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 1073 of 2019

- Kunal Shukla, S/o Late Shri Ashok Shukla, aged about 46 years, Social and R.T.I. Activist, residence of C-20, Shailendra Nagar, Raipur, District Raipur C.G.

-----Applicant

VERSUS

1. Dr. Netram Navratan, Chief Medical & Health Officer, Gariyabandh C.G.
2. Smt. Niharika Barik Singh, Secretary, Department of Health and Family Welfare, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur C.G.

-----Non-applicants

For Applicant	:	Mr. Prakash Tiwari, Advocate
For Non-applicants	:	Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per P.R. Ramachandra Menon, CJ.

13/01/2019

1. This petition has been filed alleging the contumacious act on the part of the respondents in paying scant regards to the order dated 04-10-2019 passed by this Court in WPC No. 3367/2019, whereby a stay has been granted with regard to the further proceedings to be pursued based on Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyo aur Anya Pichhade Vargon ke Liye Arakshan) (Sanshodhan) Ordinance- 2019, whereby the extent of reservation was enhanced from 14% to 27% in the case of Other Backward Classes (OBC), thus raising the total extent of reservation from 58% to 82%.
2. The applicant has pointed out that despite the above order, a recruitment notification has been issued by the 1st respondent, wherein the reservation available is mentioned to an extent of 27% for the OBC and hence the grievance.

3. Pursuant to the notice ordered by this Court, the respondents have entered appearance through lawyer and the version of the 1st respondent has been put-forth along with supporting affidavit. The respondent concerned has stated that the said respondent was not aware of the order passed by the Court and it was only due to a bonafide/ unintentional mistake, that the recruitment notification came to be issued, showing the extent of reservation available to the OBC as 27%, in terms of the Ordinance.
4. On coming across the mistake, the respondents have issued an amended advertisement/ notification dated 06-12-2019, stipulating the extent of reservation only as 14% as borne by Annexure C-1. The respondents have expressed unconditional apology and seek for to have the matter closed accordingly.
5. After hearing both the parties, we find that the explanation offered on the part of the respondents is acceptable. In view of the turn of events, the contempt matter stands closed, as no further steps are necessary.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge