

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 1146 of 2019**

Smt. Rashmilata Bhadoriya W/o Shri Vinod Singh Bhadoriya, Aged About 49 Years, Occupation- Lecturer, R/o Quarter No. LIG-4, Bhodhghat Colony Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. Shri Ayaz Tamboli, IAS Collector Bastar, Jagdalpur, District Bastar Chhattisgarh

2. H. R. Som, District Education Officer, Bastar, Jagdalpur District Bastar Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For Respondents	:	Mr. C. Jayant K. Rao, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.01.2020**

1. The present contempt petition has been filed alleging the non-compliance of the order dated 06.08.2019 passed by this Court in WPS No. 5835 of 2019.
2. The present contempt petition has been filed impleading the Collector, District Bastar as well as the District Education Officer, Bastar, Jagdalpur as a party. The direction by this Court in the said writ petition was in fact for making a representation to the respondent no.2 therein, within a period of 10 days and the authority to decide the same. Meanwhile, there was a stay of the effect and operation of the impugned order so far as the petitioner is concerned.

3. The authority to whom the representation was to be made is not a party in this contempt petition and it is that authority i.e. the Director, Public Education Department who was supposed to take a decision.
4. So far as the present respondents are concerned, they have brought before this Court an order by which it has been said that the question of stay of the effect and operation of the transfer order would not arise as the petitioner promptly after the order of attachment was cancelled had joined at the original place of posting on 09.07.2019 itself. This fact was not brought to the notice of the Court when the interim order was passed on 06.08.2019 i.e. almost after one month from the date the petitioner is said to have complied with the impugned order in the writ petition.
5. Perusal of the records of the writ petition reveals that this fact of the petitioner having complied with the order was not mentioned either in the pleadings of the writ petition or in the application for grant of interim relief.
6. Given the aforesaid facts and circumstances of the case, firstly inasmuch as the petitioner having complied with the order and secondly for no specific direction being issued to the present contemnors in the writ petition, this Court is of the opinion that no contempt as such is made out against the respondents and they are discharged of the contempt proceedings.
7. Reserving the right of the petitioner to avail other remedies open to her, the contempt petition as of now stands disposed of.

Sd/-
P. Sam Koshy
Judge