

Sr. No.102

**RA-CW-262-2020 in
CWP-11745-2020**

**Harsh Yadav (Minor) through his Father
Vs.
Union of India and others**

Present : Mr. Praveen Chander Goyal, Advocate,
for the applicant-respondents.

Mr.D.S.Nirban, Advocate,
for the petitioner.
(Presence marked through video conference).

To say the least, the evasive and condescending conduct on the part of applicant/respondent No.3 continues unabated, as already noted in order dated 11.11.2020, under review herein, perhaps due to leniency shown by this court to overlook it during the writ proceedings.

Review is sought on the ground of an additional affidavit RA/2 appended herein, deposed by the applicant, purportedly to now provide requisite the information as per observations made by this Court from time to time vide various orders viz. 12.10.2020, 14.10.2020, 27.10.2020, 30.10.2020, 03.11.2020 before passing final order dated 11.11.2020. Perusal thereof would reveal that applicant even now is not forthcoming to properly disclose the information sought. The contents of affidavit RA/2 are repetitive as per earlier return filed. There is no error apparent on the record, warranting review of order dated 11.11.2020.

No grounds are made out to interfere. Application is dismissed with costs of Rs.10,000/- to be recovered from the salary of respondent No.3.

December 18, 2020
vandana

(ARUN MONGA)
JUDGE

Sr. No.102

COCP No._____ of 2020

In

CWP-11745-2020 (O&M)

Court on its own motion

Vs.

Col. Soumyabrata Dhar and others

Present : Mr. Praveen Chander Goyal, Advocate,
for the respondents.

Mr.D.S.Nirban, Advocate,
for the writ petitioner.

(Presence marked through video conference).

Vide a separate order of the even date an application seeking review of order dated 11.11.2020 has been dismissed. On a query of the Court, it transpires that despite a lapse of more than one month, the petitioner (a minor) has not been admitted in the school on the ground that admissions stood concluded as on 31.10.2020. The writ petition was filed way before 31.10.2020. Prior to 31.10.2020, various orders viz. 12.10.2020, 14.10.2020, 27.10.2020 and 30.10.2020 were also passed by this court in writ proceedings, eventually culminating into final order dated 11.11.2020, which was merely 11 days after the said conclusion of admissions. Till date, the petitioner has also not been permitted to join online classes in non compliance of order dated 11.11.2020.

Prima facie, respondents seem to be in contempt of order dated 11.11.2020. This Court is constrained to issue a *suo motu* contempt notice to the respondents no.1 to 3, by their respective names, to show cause, as to why proceedings be not initiated against them under Contempt of Courts Act, for willful disobedience of order dated 11.11.2020 passed in CWP-11745 of 2020.

Learned counsel for the petitioner submits that all other students are also getting self education while sitting at home, since no physical classes are taking place. Only online tuitions are being imparted. Petitioner's parents too have made adequate arrangements for his tuition at home, hoping that he would be admitted for the current academic session. He contends that despite lapse of precious time for no fault of his, petitioner is well equipped to join class 6 even at this stage and would cover up the syllabus, if allowed to join online classes.

In compliance of order dated 11.11.2020, respondents, particularly respondent No.3, is directed to forthwith allow the minor child/petitioner to have access to online education being imparted currently by school.

Learned counsel for the writ-petitioner submits that father of the petitioner shall personally go to the school for being granted access to the website/online classes so that he can make the petitioner join the same.

List on 22.12.2020, as per roster. Meanwhile, registry to number the contempt proceedings and also issue fresh notice to the contemnors in person via email, as well as through their learned counsel, representing them in the review application. A copy of instant order be also conveyed through email to the parties, as well as to their learned counsels.

December 18, 2020
vandana

(ARUN MONGA)
JUDGE