

COCF-1606-2021

Date of Decision: 05.08.2021.

Jatinder Kaur and others

...Petitioners

VS.

Dr. Shaleen and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Arun Bansal, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 2 read with Section 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, is for taking action against the respondents for intentional and willful defiance of order dated 17.05.2021, in CM-6615-CWP-2021 in CWP-8121-2021.

3. Learned counsel contends that despite order dated 17.05.2021, in CM-6615-CWP-2021 in CWP-8121-2021, that in case any examination qua the course in which the petitioners were studying, was conducted, they be allowed to appear in the same provisionally, subject to the final outcome of the writ petition and although examination for the GNM course in which the petitioners are studying is scheduled to commence from 09.08.2021, the petitioners have not been issued roll numbers, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Issue notice to respondent No.2 to show cause as to why

proceedings under the Contempt of Courts Act, 1971 be not initiated against her.

5. Mr. Amrit Paul, Advocate, accepts notice on behalf of respondent No.2 and has placed on record copy of communication from respondent No.2 to respondent No.3 granting approval for the petitioners being allowed to appear in the GNM examination scheduled to commence w.e.f. 09.08.2021. Learned counsel further states that pursuant to the decision by respondent No.2 as communicated to respondent No.3, it will be ensured that the petitioners are allowed to appear in the GNM examination commencing from 09.08.2021 but the result of the same would be subject to the final outcome of the writ petition.

6. Copy of the aforesaid communication has been supplied to learned counsel for the petitioners. The same satisfies learned counsel for the petitioners, who states that in the circumstances, he does not press the contempt petition and the same may be disposed of as such.

7. In view of the position noted above as well as statement of learned counsel for the petitioners, no action under the Contempt of Courts Act, 1971, is warranted against respondent No.2.

8. Accordingly, the contempt petition is disposed of as such.

9. Rule discharged.

(B.S. Walia)
Judge

05.08.2021

'Rajesh'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No