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Sub.A.No.800 of 2024 in
Cont.P.No.2856 of 2023

R.N.MANJULA, J.

This Sub-Application has been filed to re-open the Contempt Petition which has been closed on 07.03.2024.

2. The learned counsel for the petitioner submitted that the respondent having taken time to comply the order dated 09.06.2022 passed in W.P.No.10080 of 2021, has not complied the order. But the contempt proceedings filed in Cont.P.No.2856 of 2023, has been closed as though the order of this Court has been complied. Hence, the Contempt Petition should be re-opened.

3. On perusal of the order made in W.P.No.10080 of 2021, it is seen that the following direction has been given:

3. The learned Additional Government Pleader appearing for the respondents would submit that the clarification sought by the 1st respondent from the Education Department has been received stating that the mark sheet furnished by the petitioner is genuine. Therefore, the petitioner's representation dated 07.09.2020 seeking promotion to the post of Assistant would be considered, if



otherwise eligible.

4. In view of the above submissions made by the parties and taking note of the fact, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 07.09.2020 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the copy of the representation dated 07.09.2020 along with this order before the 1st respondent.

5. With the above directions, the writ petition stands disposed of. No costs.

4. In the contempt proceedings, on the representation made by the respondent that the order has been complied, the petitioner has raised objection only with regard to the date of promotion. Hence, this Court was inclined to pass the following order in the Contempt Petition:

"4. If the grievance of the petitioner is with regard to the date of promotion, then he will have to challenge the promotion order in respect of giving effect to the date of promotion. The direction given by this Court in the Writ Petition is to the limited extent of considering the petitioner's



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representation and pass orders in accordance with law. The petitioner has been promoted and he has joined in the promotional post. Hence, the order passed by this Court is complied.

5. In view of the above stated reasons, this Contempt Petition is closed. If the petitioner has got any grievance with regard to his date of promotion, he can give a fresh representation for inviting orders in this regard."

5. The order in the Contempt Petition has been passed consciously by completely considering the meaning and import of the order passed in the Writ Petition and also on understanding the manner in which the order has been passed. The petitioner without resorting the course to challenge the date of promotion, has filed this re-open Application on a wrong notion that the order passed in the Writ Petition has not been complied.

6. In view of the above stated reasons, this Sub-Application is dismissed.

29.10.2024

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