



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**COCP No.923 of 2020 (O&M)
Date of Decision: 11.08.2025.**

Harish Chawla and others

...Petitioners

Versus

Anshul Pathak and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ashok Tyagi, Advocate
for the petitioners.

Mr. A.S. Talwar, Advocate
for respondent No.1.

VIKRAM AGGARWAL, J (ORAL)

The present petition, preferred under Section 12 of the Contempt of Courts Act, 1971 (for short 'the 1971 Act') has been filed alleging willful disobedience of order dated 15.12.2017 passed in CWP No.27659 of 2017.

2. CWP No. 27659 of 2017 was instituted by the DPSG Parents Association (DPSG is the Parents Association of Students Studying in Delhi Public School, Ghaziabad) against the State of Haryana. Challenge was laid to an order passed by the Additional Chief Secretary, wherein it was held that Form-VI which had been submitted by the respondent-School (giving justification for increase in fee) had to be considered. The Bench was considering two writ petitions out of which one was CWP No.27659 of 2017 and the other was CWP No.20323 of 2017 where the petitioners, who were parents of children studying in the same school had raised a dispute with regard to the fees to be claimed by the school, which the petitioners termed to be excessive.

3. The writ petitions were disposed of on 15.12.2017. The operative part of the order reads as under:-

“In the circumstances pointed out above. I find myself facing opinion, the same situation which confronted the Division Bench. In my considered opinion, the option before the Court is either to examine the issue itself or to consider some alternative. In my opinion it would be appropriate if the Additional Chief Secretary (Education), Haryana constitutes a committee which would go into the issue of the fees which are being demanded by the respondent-Schools (for the period after the academic session 2013-2014) till such time as the Govt. puts into place an amended Rule as has been submitted before me. Till the time the Committee decides the issue of justification the petitioners will pay the fees demanded by the respondent- Schools.

As regards the arrears which are due from 2014-15 onwards, the same will be cleared on or before 28.02.2018. Both the schools shall file undertakings (by the head of the Body which governs them) to the effect that in case the Committee now to be appointed determines that any fees which have been obtained by them was excessive and unjustified they would be liable to refund the excess money which they have collected and would have no objection if the property of the institution has to be sold for that purpose. These undertakings be filed on or before 22.12.2017 with copy to the counsel for the petitioners. The Additional Chief Secretary (Education), Haryana would constitute the Committee on or before 31.12.2017 and the Committee would furnish its report on or before 28.02.2018. It is made clear that the Committee which is now to be constituted would not be bound by any order which was passed earlier.

In CWP No.20323 of 2017, learned counsel are agreed that the petition qua petitioners No.3, 12, 15, 16, 23, 29, 32, 33, 38, 45, 49 and 50 be dismissed.

As soon as the petitioners deposit the current quarter fees of 2017-2018 any order of rustication would cease to be operative.

Both the petitions stand disposed of.

A copy of this order be given to the learned counsel for the parties under the signatures of the Bench Secretary.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stand disposed of.”

4. Vide order dated 20.02.2018 (Annexure P-3), the names of students were struck-off from the School Rolls w.e.f., 20.02.2018 on account of the School fee for all four quarters since April, 2017 not having been paid. This led to the filing of the instant contempt petition.

5. The contempt petition has been opposed by the respondents. In the response submitted by respondent No.1 (Chairman of the Delhi Public School Ghaziabad Society), certain preliminary submissions have been made. It has been submitted that the contempt petition is misconceived as the petitioners themselves had failed to disclose their own non-compliance of order dated 15.12.2017. It has been averred that students who had not cleared the fee for the session after 15.12.2017 had made themselves liable for action.

5.1. It has been averred that even prior to the passing of the order dated 15.12.2017, a communication dated 24.11.2017 (Annexure R-1/1) had been issued by the answering respondents to all parents that the fee matter had been finally decided by the Government of Haryana and the fee structure as announced by the school had been accepted. However, after giving some special relaxations, parents were called upon to pay the

outstanding fee for the first and second quarters along with fee statement for the third quarter.

5.2. It has been averred that a communication dated 19.12.2017 (Annexure R-1/2) was also issued requesting the parents to clear the dues without any further delay followed by another communication dated 02.02.2018 (Annexed R-1/3).

5.3. It has been averred that the contempt petition is nothing but pressure tactics being adopted by the petitioners to compel the answering respondent to succumb to their illegal and unjustified demands. Dismissal of the contempt petition has therefore been prayed for. On merits also a similar stand has been taken.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioners has strenuously urged that the respondents have willfully violated the directions passed by the Court on 15.12.2017 and that without waiting for 28.02.2018, which was the date fixed for clearing of arrears due from 2014-15, the respondents struck-off the names of the students from its rolls. Learned counsel has referred to the order dated 15.12.2017 as also other documents annexed with the contempt petition. Reference has also been made to the reply submitted by the respondents along with the communications annexed thereto.

8. *Per contra*, learned counsel representing respondent No.1 has submitted that there is no willful disobedience of the orders passed by the Coordinate Bench on 15.12.2017. Learned counsel has read out the said order and has submitted that the action taken was fully in accordance with the directions passed by the Coordinate Bench.

9. I have considered the submission made by learned counsel for the parties.

10. Section 2(b) of the 1971 Act defines civil contempt and Section 2(c) defines criminal contempt. We are here dealing with civil contempt, which is defined in Section 2(b) of the 1971 Act;

2. Definitions.—In this Act, unless the context otherwise requires

(a) xxx xxx xxx

(b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;

xxx xxx xxx”

A perusal of the aforesaid shows that civil contempt means willful disobedience to any judgment/decreedirection/order/writ or any other process of a Court of willful breach of an undertaking given to a Court. The provision, therefore, has two parts. The first part is disobedience or breach and second part is willful disobedience or a breach. It, therefore, means that the disobedience or breach should be willful. Whether a breach is willful or not, would have to be determined by the Court concerned.

11. A Division Bench of this Court traced the entire law on contempts in the case of Court on its motion vs. N.S. Kanwar, 1995 (1) RCR (Crl.) 201;

“12. The idea of contempt of court has emerged with the emergence of the rule of law and generally speaking any conduct that tends to bring the authority and administration of law into disrepute or disrespect or any act which interfere with the administration of justice is contempt of court.

13. *In India the history of "law of contempt" can be traced as early as in 1560 (Mughal period). Instances can be found in Tabaquat quoted by sterling in "crime and punishment in Mughal India". While Akbar was on his way to Punjab, Shah Abdul Mohwali in Jagrana of Hajar wanted to salute him while seated on his horse. Akbar felt annoyed and handed him over to Shahabuddin Ahmed Khan to be kept in custody as a prisoner. In Kautilya's Arthasastra, details can be found regarding the theory of contempt of King and King's Council. Even judges who violated law were held liable for punishment. Kautilya was of the view that all persons who violated law were to be punished including who administer law and in fact in the later case the punishment would be mere severe.*

14. *Oswald in his work on 'contempt of Court' defines contempt as any conduct that tends to bring the authority and administration of law into dis-respect of disrepute or to interfere with or prejudice parties or their witnesses during litigation.*

15. *The law of contempt of court in the modern sense as developed in our country is on the pattern of English Law. Source to punish contempt was an inherent power in England with all the courts of record. As soon as the courts of record were established India under different charters, the power to punish contempt was necessarily given to these courts. When the Constitution of India came into force in 1950 some provisions relating to contempt matters were also included in it. The contempt of the Supreme Court and the High Courts as topics for legislation have been mentioned in the Union list and Concurrent List. In the year 1952, the Parliament enacted the contempt of Courts Act, 1952. After examining the law of contempt which developed during a period of almost two decades, the Parliament enacted the Contempt of Courts Act, 1971. Under the Act of 1971, the term 'Contempt' has been defined in section 2, while section 2(b) defines Civil*

Contempts, section 2(c) defines 'Criminal Contempt'. For the purpose of the present case, it is sufficient to make reference to section 2(a) and (b) of 1971 Act :-

"2. In this Act unless the context otherwise requires (a) 'Contempt of Court' means civil contempt or criminal contempt; (b) 'Civil Contempt' means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court." "The above quoted definition is in consonance with the views expressed by the English and Indian Courts from time to time and the Parliament in India has tried to give a concrete shape to the law of contempt by enacting 'Contempt of Courts Act, 1971'. The object of contempt proceedings is primarily to protect the public confidence in the system of administration of justice.

16. In Brahm Prakash Sharma v. State of U.P., AIR 1954 Supreme Court 10, the Hon'ble Supreme Court underlined the object of contempt proceedings in the following words :-

"The summary jurisdiction exercised by superior courts in punishing contempt of their authority exists for the purpose of preventing interference with the course of justice and for maintaining the authority of law as is administered in the courts. The object of contempt proceedings is not to afford protection to Judges personally from imputations to which they may be exposed as individuals, it is intended to be a protection to the public whose interests would be very much affected if by the act or conduct of any party, the sense of confidence which people have in the administration of justice by it is weakened."

17. In Aligarh Municipal Board v. Ekka Tonga Mazdoor Union and others, AIR 1970 Supreme Court 1767, the Supreme Court has observed as under :

"The contempt proceedings against a person who has failed to comply with the courts order serves a dual purpose; (1) vindication of the public interest by punishment of contemptuous conduct and (2) coercion to compel the contemner to do what the law requires of him."

18. In Advocate General Bijar v. Madhya Pradesh, Khair Industries, 1980(3) SCC 311, the Supreme Court held :-

"It may be necessary to punish as a contempt, a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and affects the interest of the public in the administration of justice. The Court has the power to commit for contempt of court, not in order to protect the dignity of the Court against insult or injury as the expression "contempt of Court" may seem to suggest, but to protect and to vindicate the right of the public that the administration of justice shall not be prevented, prejudiced, obstructed or interfered with. "It is a mode of vindicating the majesty of law, in its active manifestation against obstruction and outrage."

19. In Hedkinson v. Hedkinson, 1952(2) All England Reporter 567, it has been held :

"It is the plain and unqualified obligation of every person against or in respect of whom the order is made by a court of competent jurisdiction to obey it unless and until the order is discharged. The uncompromised

nature of this obligation is shown by the fact that it extends even to cases where the persons affected by the order believes it to be irregular or even void."

Again in Jennison v. Backer, AIR 1972(1) All England Reporter 997 Curtish Releigh, J. observed :-

"The law should not be seen to sit by simply, while those who defy it go free and those who seek its protection loose hope;"

In Bardkanta Mishra v. Bhimsen Dixit, AIR 1972 Supreme Court 2466, the Supreme Court observed as under :-

"The contempt of court is disobedience to the court by acting in opposition to the authority, justice, dignity thereof. It signifies a wilful disregard or disobedience dignity of the court's order. it also signifies such conduct as tends to bring the authority of the court and the administration of law into disrepute (vide 17 (Corpus Juris Secundum pages 5 and 6; Contempt by Edward N. Dancel (1939) Edn. page 14, Oswald's Contempt of Court (1910) Edn. pages 5 and 6)."

20. These authorities clearly show that every one howsoever high he may be, is bound to carry out the courts order. The order passed by a court of competent jurisdiction is binding on all concerned. Those who disregard the Court's order, do so at their own peril. No one can think himself above the law and the court is under a duty to see that confidence of the public in the institution of courts is not shaken by the executive authorities by their disregard to the orders of the Court."

12. In the case of Dr. Iqbal Singh vs. Vikas Partap and another, (COCP-1730-2017, decided on 18.09.2019), a coordinate Bench of this Court held that a Court must confine itself to the four corners of the directions issued and that the scope could not be enlarged. It was held that

the onus was on the petitioner to prove willful disobedience and that a Court could not proceed on surmises and conjectures.

13. In **Niaz Mohammad and others vs. State of Haryana and others**, AIR 1995 SC 308, it was held by a Three Judges Bench of the Supreme Court of India that before a contemner is punished for non-compliance of the directions of a Court, the Court must not only be satisfied about the disobedience but should also be satisfied that such disobedience was willful and intentional;

“9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Act') defines "Civil contempt to mean "wilful disobedience to any judgment, decree, direction, order writ or other process of a court... Where the contempt consists in failure to comply with or carry out an order of a Court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the Court for initiating proceeding for contempt against the alleged contemner, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under Code of Civil Procedure. The Party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether the alleged contemner should be punished for not having complied and carried out the direction of the Court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court, Before a contemner is punished for non compliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such

disobedience was wilful and intentional. The Civil Court while executing a decree against the judgment debtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the Court to initiate the proceeding for contempt for disobedience of its order, before any such contemner is held guilty and punished, the Court has to record a finding that such disobedience was wilful and intentional. If from the circumstances of a particular case, brought to the notice of the Court, the Court is satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for the contemner to comply with the order, the Court may not punish the alleged contemner.”

14. Reverting to the facts of the case, if one examines the order dated 15.12.2017 in different parts, it emerges that it had been directed that till the time the Committee decides the issue of justification, the petitioners would pay the fees demanded by the respondents-Schools. The second part is as regards arrears due from 2014-15 onwards. It was stated that the same would be cleared on or before 28.02.2018. The third part was that as soon as the petitioners deposit the current quarter fees of 2017-18, any order of rustication would cease to be operative. It, therefore, means that petitioners were bound to pay the fee as demanded by the School till the issues were decided by the Committee. The arrears from 2014-15 onwards were to be cleared on or before 28.02.2018 and the petitioners were to deposit the current quarter fees of 2017-18.

15. No doubt, the order dated 20.02.2018 mentions non-payment of fee of all quarters of 2017-18. Though, in the considered opinion of this Court, even this is not in violation of the directions passed by the Coordinate Bench because the latitude for payment on or before 28.02.2018 was only as regards arrears from 2014-15 onwards and not as regards the payment of current fee. However, even if it is assumed that for the first two quarters, the respondents could not have demanded the fee before 28.02.2018, the petitioners were bound to pay the fee for the third and fourth quarter which was also not done.

16. The communications annexed by the respondents with the reply clearly show that the respondents called upon the petitioners to pay the fee but to no avail. Under the circumstances, the names of the students were struck-off from the Rolls.

17. On a specific query put by the Court, learned counsel has no answer as to why the fee for the third and fourth quarter was not paid.

18. Be that as it may, the aforesaid discussion clearly depicts that there has been no willful violation of the directions issued by the Coordinate Bench while disposing of CWP No. 27659 of 2017 on 15.12.2017.

That being so, the instant contempt petition is found to be devoid of merit and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

August 11, 2025
Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No