



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119 CACP-44-2024(O&M)
Date of decision: 29.01.2025

Vinay Kumar ...Appellant

Versus

Archana Sehrawat and others ...Respondents

119 (2) CACP-45-2024(O&M)

Vinay Kumar ...Appellant

Versus

Anita Kumari and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR.JUSTICE VIKAS SURI

Present: Mr. Ankur Mittal, Addl. AG, Haryana with
Ms. Sraneel Jaswal, Addl. AG, Haryana,
Mr. P.P. Chahar, Sr. DAG, Haryana,
Mr. Saurabh Mago, DAG, Haryana,
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, AAG, Haryana
for the appellant.

Mr. Jasbir Mor, Advocate with
Mr. Deepka Dahiya, Advocate for respondent No.1.

SURESHWAR THAKUR, J. (Oral)

- Both appeals are being disposed of by a common order as the issues involved therein are same.
- The instant appeals have been directed against the order



dated 02.12.2024, as passed by the learned Contempt Bench of this Court in COCP No. 822 and 825 of 2024.

3. The respondent herein instituted CWP-27175 and 27058 of 2022 with a prayer therein to direct the appellant to consider the petitioners' candidature for the posts of Art and Craft Teacher, being eligible for the same, as per result declared vide notice dated 14.11.2021. Vide order dated 18.12.2023, the said petitions were disposed by this Court. The operative part of the order dated 18.12.2023 becomes extracted hereinafter.

“In view of the discussion, all the petitions are allowed, and the respondents are directed to; (i) consider the petitioners eligible for the posts of Art and Craft Teacher advertised vide advertisement no.6 of 2006, as already held by this Court in Krishan Kumar case (supra); (ii) declare the petitioners' final selection result and consider them for selection and appointment(s) as per merit. In case marks secured by the petitioners are more than those of the last selected candidate(s) in their respective categories, they will be given appointment(s) with effect from the date other selected candidates have been so appointed, with all consequential benefits except salary, which will be paid to them from the date of joining the service.”

4. Since the order dated 18.12.2023 remained purportedly uncomplied, thereby the respondent herein preferred COCP No. 822 and 825 of 2024, before this Court, with a prayer therein to initiate contempt proceedings against the contemnors concerned, thus on account of the appellant(s) herein purportedly wilfully disobeying the order (supra) passed by this Court. It has been further alleged therein, that even after the



passing of the order dated 18.12.2023, the respondents concerned have not complied with the directions of this Court, which amounts to wilful disobedience on their part.

5. The making of the supra order by the learned contempt bench led the aggrieved therefrom i.e. the appellant(s) to make a challenge thereto, by filing contempt appeals respectively bearing Nos.44 and 45 of 2024, and the said contempt appeals were listed before this Court on 04.12.2024 and on 09.12.2024. The operative part of the order dated 04.12.2024 becomes extracted hereinafter.

Notice of motion in the main appeal as well as in the application.

As prayed for by the learned counsel for the appellant, dasti notices be handed over by the Registry of this court to the counsel concerned. However, on service through dasti mode being caused upon through counsel for the respondents in COCP, therebys, the counsel for the appellant shall return the dasti summons to the Registry of this court.

Adjourned to 12.12.2024.

In the meantime, and till further orders, the operation of the impugned order dated 02.12.2024 shall remain stayed and further proceedings are also stayed to be launched.

Record as pertains to the instant appeal be requisitioned from the learned contempt Court and be placed before this Court on the subsequent date of hearing.

An authenticated copy of this order be forthwith handed over to the learned counsel for the applicant under the signature of the Bench Secretary.

To be shown in the urgent list.

6. Moreover, on 09.12.2024, the learned contempt bench has



rendered the hereinafter extracted order.

“1. Learned State counsel representing the respondents informs that the operation of order dated 02.12.2024 along with further proceedings in the present case has been stayed vide order dated 04.12.2024 passed by the Hon’ble Division Bench of this Court in an appeal bearing CACP No.44 of 2024

2. In view of the above, learned counsel for the petitioner does not press the present petition at this stage, however, seeks liberty to revive the present petition, subject to final outcome of the aforesaid CACP No.44 of 2024.

3. Dismissed as not pressed with the aforesaid liberty.

4. Rule stands discharged.”

7. Resultantly, therebys nothing survives in the contempt appeals and the same are declared to as such become rendered infructuous. However, the liberty as therebys become granted to the present respondents, thus to revive the contempt petition, is declared to be an ill-granted liberty, as only after, the successful passing of conclusive and binding verdicts upon, the writ petition supra filed by the present respondents, whereby the passing of the rejection order, becomes challenged besides in case the said verdict is intentionally and willfully disobeyed, that thereupons alone the respondents could file a contempt petition. However in the contempt bench yet pre conceiving that there would be but, contemptuous conduct indulged into at the instance of the present appellant, but becomes rather an ill-conceived notion and also



makes the said granted liberty to be ill-founded.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

29.01.2025
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No