



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

COCp-3425-2025 (O&M)
Reserved on: 18.03.2026
Pronounced on: 26.05.2026
Uploaded on: 26.05.2026

KS Raju Legal Trust ... Petitioner

Vs.

Ms. Anindita Mitra, IAS and others ... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Dr. Jagmohan Singh, petitioner in person.

Ms. Shiny Chopra, AAG, Punjab.

Mr. Beant Singh Seemer, Sr. Standing Counsel
for respondent no. 2-

VIKRAM AGGARWAL, J.

The instant contempt petition has been instituted under Section 11 read with Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the 1971 Act'), alleging willful disobedience of the orders dated 19.02.2025 (Annexure P-1) and 09.04.2025 (Annexure P-2) passed by a Division Bench of this Court in CWP-PIL-285-2024.

2. CWP-PIL-285-2024 was instituted by the petitioner (KS Raju Legal Trust), under Article 226 of the Constitution of India, seeking a Writ of Certiorari quashing Rule 7(4) of the Punjab Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as the "Punjab RTE Rules, 2011"). Further, a Writ of mandamus was also sought directing the Respondent no. 3(therein) CBSE to ensure that admissions by CBSE

affiliated schools in Punjab for the academic year 2025-2026 onwards are carried out strictly in accordance with the CBSE Affiliation Bye-laws and the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 (hereinafter referred to as the “RTE Act, 2009”). Further directions were sought to ensure that private unaided schools in Punjab discharge their obligations under Section 12(1)(c) of the RTE Act, 2009 along with interim directions to such schools to keep 25% seats in Class-I or pre –school, as applicable, vacant during the pendency of the writ petition.

3. The Division Bench, vide interim order dated 19.02.2025, passed the following directions:-

“xxx xxx xxx xxx

Prima facie, it appears that the provisions of Rule 7(4) of Punjab RTE Rule, 2011 is in the teeth of the Section 12(1)(c) of the RTE Act, 2009. It is settled by the principles of interpretation of statute that in case of conflict between statutory rules and the Act, the Act prevails.

In view of above, as an interim measure it is directed that all private unaided recognised schools satisfying the criteria laid down in sub clause (iv) of Clause (n) of Section 2 of 2009 Act shall reserve 25% of seats in Class I, to be filled up exclusively by children belonging to weaker sections and disadvantaged group living in the neighbourhood of the school to provide free and compulsory education.

The functionaries of State of Punjab are directed to ensure compliance of this order for admission to 2025-26 session.

List on 27.03.2025.”

4. Pursuant to the said directions, the respondent submitted a compliance report before the Division Bench on 21.03.2025, stating that a notification dated 20.03.2025 had been issued omitting rule 7(4) of the RTE Rules, 2011 and further a communication dated 21.03.2025 had also been

issued, calling upon all the field officers to strictly comply with the order dated 19.02.2025 passed by the Division Bench.

5. The Writ petition was finally disposed of vide order dated 09.04.2025, with the following directions:-

“1. This Court, while taking cognizance of the matter, which is a Public Interest Litigation, on 19.02.2025 passed an interim order directing all the private unaided recognised schools to reserve 25% of seats in Class I, to be filled up exclusively by children belonging to weaker sections and disadvantaged group living in the neighbourhood of the school concerned to provide free and compulsory education, in terms of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009 (in short “the RTE Act, 2009”).

2. This Court was compelled to issue the aforesaid interim direction, since there was an apparent conflict between the provisions of the Punjab Rights of Children to Free and Compulsory Education Rules, 2011, in particular Rule 7 (4), and the mandate of Section 12 (1) (c) of the RTE Act, 2009.

3. Affidavit dated 21.03.2025 of the Secretary to Government of Punjab, Department of School Education, filed by the State of Punjab, reveals that vide notification issued on 20.03.2025 (Annexure R-1), the Department of School Education, Government of Punjab, has carried out amendment in the Punjab Rights of Children to Free and Compulsory Education Rules, 2011, by deleting Rule 7 (4) of the said Rules.

4. In view of the above, fundamental prayer of the petitioner contained in prayer Clause (i) of the petition is rendered infructuous. Thus, this Court need not enter into the academic exercise of assessing the vires of Rule 7 (4) of the said Rules of 2011, which is no more on the Statute books.

5. So far as the other prayers are concerned, this Court disposes of this petition with a direction to the State of Punjab that the RTE Act, 2009 be followed to the hilt while making admissions in Class I and in case, there is any conflict between the Provincial Rules of 2011 and the Central Act of 2009, then the provisions of the Central Act would prevail.

6. *Petition stands disposed of.*

6. Alleging willful disobedience of the aforesaid directions, the instant contempt petition has been instituted. It has been averred that despite explicit directions issued by the Writ Court vide orders dated 19.02.2025 and 09.04.2025, the same were not complied with. It is further the case of the petitioner that no admissions were done by the respondents in terms of the provisions of Section 12(1)(c) of the RTE Act, 2009. The petitioner has also averred that the information sought by him under Right to Information Act clearly reveals utter non-compliance of the directions issued by the Writ Court.

7. The contempt petition has been opposed by way of a reply of short affidavit of the Administrative Secretary, Government of Punjab, Department of School Education, in which it has been averred that there is no willful or deliberate disobedience of the directions contained in the orders dated 19.02.2025 and 09.04.2025. It was initially stated in the reply that in compliance with the directions contained in the order dated 19.02.2025, the notification dated 20.03.2025 had been issued by the Department of School Education, Punjab, omitting Section 7(4) of Punjab RTE Rules 2011 and further issued a communication dated 21.03.2025 to all the District Education Officers (Secondary and Elementary) for implementation of Section 12(1) (c) of the RTE Act, 2009. Still further vide order/communication dated 14.08.2025 issued by the State of Punjab, Standard Operating Procedures (SOPs) were also issued, stipulating the strict compliance of the condition of reservation of 25% seats in Nursery/LKG/UKG/Class-I (whichever be the entry level class of the

school) to the Economically Weaker Sections and Disadvantaged Groups, besides, the eligibility criteria; neighbourhood criteria; prohibition on capitation fee; fee reimbursement procedure and establishment of the Grievance Redressal Mechanism. It has been averred that the directions have been complied with except for the delay, which was not in the control of the respondents.

8. In the subsequent reply by way of an additional affidavit of the Administrative Secretary, Government of Punjab, Department of Education, filed in compliance of the order dated 11.09.2025 passed by this Court directing the respondents to give a timeline of the action taken pursuant to order dated 19.02.2025, it has been averred that after the issuance of the notification dated 20.03.2025 and letter dated 21.03.2025, the Government Schools as also the Private Unaided Schools have started to enroll eligible candidates during the Academic Session 2025-26. It has been further asserted that the Department has also finalized Memorandum of Understanding (MOU) with the Non-Governmental Organization (NGO), namely Indus Action Initiatives for further streamlining of the implementation process of Section 12(1)(c) of the RTE Act, 2009. It has also been averred that as per the said MOU, an online portal shall be developed for the Department to carry out the admissions under EWS/DG Category by maintaining a complete transparency. The respondents have also given a timeline regarding the implementation of Section 12(1)(c) of the RTE Act, 2009, with the averments that the admission process has already commenced in the Academic Year 2025-26. It has further been averred that as per the data collected, 476 children found to be belonging to the EWS and

DG categories, have been admitted in the Private Unaided Schools across the State against the said 25% quota.

9. Further in the additional affidavit dated 09.03.2026, it has been averred that the Department had again issued detailed guidelines dated 06.01.2026 for implementation of the provisions of Section 12(1)(c) of the RTE Act, 2009 for the upcoming academic session. It has been submitted that, in terms of the said guidelines, the Department had initiated the process for registration of Private Unaided Schools on the Punjab RTE Admission Portal upto 12.01.2026. The said process had thereafter been extended upto 19.01.2026 and again upto 28.01.2026. It has been further averred that the Department had issued instructions dated 10.02.2026 regarding verification of the details submitted by the Private Unaided Schools on the Punjab RTE Admission Portal for admissions pertaining to the academic session 2026-27. It has been further submitted that, pursuant to the aforesaid instructions, the concerned Block Primary Education Officers (BPEOs) were in the process of verifying the data furnished by the Private Unaided Schools registered on the Punjab RTE Portal. It has also been stated that the portal was likely to be opened for student registration from the third week of March, 2026 so as to facilitate admissions for the upcoming academic session 2026-27.

10. In the additional affidavit filed by respondent no.1, it has been stated that pursuant to the interim order dated 19.02.2025 passed by the Division Bench, the respondent- department issued Gazette Notification dated 20.03.2025 and consequential directions to all District Education Officers for implementation of Section 12(1)(c) of the RTE Act, 2009. The

affidavit further disclosed that a grievance redressal mechanism was also established by designating the District Education Officers as Grievance Redressal Officers. It was also stated that at present 6772 schools out of total 7234 schools have registered on the portal. It has further been stated that the process of registration of Private unaided schools on the portal has substantially been completed and the Department is presently undertaking verification of geo-locations, seat availability and other related parameters through the concerned authorities. The affidavit further reflects that necessary preparatory steps for implementation of Section 12 (1)(c) of the RTE Act, 2009 for the academic session 2026-27 have already been undertaken and the web portal is expected to become fully operational shortly, whereafter admissions under the said category shall be conducted in a transparent and uniform manner.

11. Heard petitioner in person and learned State counsel.

12. The petitioner, while arguing in person, submitted that the Writ Court, had issued clear and categorical directions in its order dated 09.04.2025 that the State of Punjab shall follow the RTE Act, 2009 to the hilt, while making admission in Class-I and in case there was any conflict between the Provincial Rules, 2011 and the Central Act of 2009, then the provisions of Central Act would prevail. While making reference to the replies filed on behalf of respondent No.1, it was argued that there was no compliance of the said directions at all and it was the stand of the said respondent that the SOPs issued pursuant to the notification dated 20.03.2025, had been followed for the Academic Session 2025-26, but that too, is incomplete information.

13. The petitioner further argued that he had sought information under the Right to Information Act, as regards the compliance of the directions issued by the Writ Court, but a perusal of the said information shows that nothing had been done. It was further argued that the SOPs were issued by respondent No.1 in a post haste manner but neither the portal had been set up by the respondents nor any guidelines had been issued and as a result of thereof, the parents were unable to apply for admission of their children.

14. It was further argued that this Court in its order dated 01.09.2025, had clearly firmed a prima facie opinion there had been a willful disobedience of the order dated 19.02.2025 and 09.04.2025 passed by the Writ Court. It was also argued that the information regarding an online portal proposed to be shortly made operational, given by respondent No.1 in the affidavit dated 01.09.2025 is misleading. It was further argued by the petitioner that similarly affidavit dated 23.09.2025, contained contradictory stand of respondent No.1, wherein again, it was stated that as per the Memorandum of Understanding, an online portal shall be developed.

15. While making reference to Section 18 of the RTE Act, 2009, it was argued that the Section clearly stipulates that on the contravention of the conditions of recognition, the prescribed authority shall by an order in writing, withdraw the said recognition and any person who establishes or runs a school without obtaining a certificate of recognition or continues to run a school after withdrawal of recognition, shall be liable to fine, which may extend to one lakh rupees. It was argued that despite there being glaring violations of the said provisions, respondent No.1 did not de-recognize the

contravening private unaided schools. It was further argued that the said facts were also brought to the notice of respondent No.2 but nothing was done.

16. An argument was also raised that during the pendency of the contempt petition, the petitioner had been subjected to illegal detention, intimidation and obstruction of lawful activities of his Trust. It was thus argued that the State Authorities are also liable to be held for the criminal contempt.

17. Per contra, learned State counsel representing respondent No.1, submitted that there was no willful disobedience on the part of the respondents. It was submitted that in the replies filed by respondent No.1, it was clearly mentioned that Rule 7(4) of Punjab RTE Rules, 2011 had already been omitted and SOPs had also been formulated. It was further submitted that as by the time, the SOPs was to be implemented, Academic Session 2025-26 was already over. It was, however, argued that the same would be implemented strictly for the Academic Sessions 2026-27. It was thus argued that there was no willful disobedience of the directions contained in the orders dated 19.02.2025 and 09.04.2025 passed by the Writ Court. However, learned State Counsel tendered an unconditional apology for delay, if any, occurred in compliance of the directions issued in the aforesaid order.

18. As regards the alleged illegal detention of the petitioner, the additional affidavit dated 1.10.2025 was filed by the Assistant Commissioner of Police, East, Amritsar. Pursuant to which it was argued by the learned state counsel that a written complaint was submitted by the local

residents apprehending disturbance on account of the proposed seminar/camp sought to be organized by the petitioner along with Nihang organizations inside Gurudwara Sahib. Pursuant thereto, police officials were deployed at Gurudwara Shaheed Baba Jivan Singh to maintain law and order. It has further been argued that as more residents gathered at the spot and the vehicles of the petitioner and his supporters got stuck in the crowd, the petitioner was respectfully seated in a government vehicle for security reasons and, on his request, he along with his supporters was dropped at Valla Bypass. It was also argued that the petitioner had been in the habit of publicizing the issue out of context and which was why, he had created a ruckus for which the authorities had to act accordingly in order to maintain law and order situation.

19. I have considered the submissions made by the petitioner in person and learned State counsel.

20. Concededly, interim order dated 19.02.2025 was initially passed directing the respondents to fill up 25% of the seats in Class 1 from children belonging to the weaker sections and disadvantaged groups living in the neighbourhood of the school to provide free and compulsory education. It was also ordered that the directions would be complied with for admission to the Session 2025-26. The writ petition was disposed of on 09.04.2025 with a direction to the State of Punjab that the RTE Act 2009 be followed to the hilt while making admissions in Class 1. In compliance of the aforesaid directions, the respondents are on affidavit, to state that notification dated 20.03.2025 was issued by the Department of School Education, Punjab, vide which Rule 7 (4) of the RTE Rules, 2011 was

omitted and a communication dated 21.03.2025 was issued to all the District Education Officers for implementing Section 12 (1) (c) of the RTE Act 2009. A communication dated 14.08.2025 was also issued by the State of Punjab issuing standard operating procedures stipulating strict compliance of the condition of reservation of 25% seats in Nursery/LKG/UKG/Class 1 (as per the entry level of the school) to the economically weaker sections and disadvantaged groups. It has been averred that the directions had been complied with in letter and spirit albeit with some delay which, as per the respondents, was not within their control.

21. In the additional affidavit dated 23.09.2025, the timeline of events was also given;

Sr. No.	Description	Date
1	Cabinet Memorandum approved to omit Rule 7(4) of “The Punjab Right of Children to Free and Compulsory Education Rules, 2011.”	20.03.2025
2	Rule 7(4) omitted vide notification of the Govt.	20.03.2025
3	Govt. issued instructions to Director, School Education (Elementary) and All District Education Officers (Elementary) regarding omission of Rule 7(4) and implementation of Section 12(1)(c) in the State of Punjab.	21.03.2025
4	Director, School Education (Elementary) endorsed this letter to All District Education Officer (EE/SE), Deputy-District Education Officers (EE/SE), Block Primary Education Officers, School Principals and Heads regarding omission of Rule 7(4) and implementation of Section 12(1)(c) in the State of Punjab.	24.03.2025
5	District Education Officers’ further endorsed and circulated the instructions of the Govt. and directions of the Hon’ble Court to all the Private Unaided Schools.	24.03.2025 to 30.03.2025

6	During this time, regular meetings/VCs were held with NIC, Punjab, Rajasthan and NGO representatives regarding creation for online admission system for Economic Weaker Section (EWS) and Disadvantaged Group (DG) quota.	April 2025 to June 2025
7	Standard Operating Procedures (SOPs) issued to all District Education Officers (Elementary/Secondary).	14.08.2025
8	Admissions have begun in Private unaided schools through offline platform as of now.	Academic Year 2025-26

21.1 The additional affidavit also states that 476 children belonging to EWS and disadvantaged groups had been admitted in the private unaided schools across the State against the 25% quota.

22. On 04.02.2026, this Court passed the following order:-

“Before proceeding further, the Administrative Secretary, Department of School Education, Government of Punjab, is directed to file an affidavit apprising the Court as to whether the directions issued by the Division Bench have been complied with for the upcoming academic session or not.

The needful be done within a period of ten days.

List on 10.03.2026.

To be taken up in the urgents.”

23. In compliance with this, an additional affidavit dated 09.03.2026 was filed in which, apart from the averments which were made in the previous affidavits, it has been averred that on 06.01.2026, the department has again issued detailed guidelines for the implementations of the provisions of section 12(1)(c) of the RTE Act, 2009 for the upcoming session. It has been averred that the department has already initiated the process of registration of private unaided schools on the Punjab RTE Admission Portal up to 12.01.2026 after which, it was extended up to

09.01.2026 and thereafter to 28.01.2026. It has been averred that vide communication dated 10.02.2026 (Annexure R-8), instructions have again been issued regarding verification of details submitted by private unaided schools on the Punjab RTE Admission Portal with regard to admission for the academic session 2026-27. It has been averred that the portal is likely to be opened for the student registrations with effect from 3rd week of March so as to facilitate admissions during the upcoming academic session 2026-24.

As regards the allegations levelled by the petitioner that he was restrained from holding a camp to spread awareness as regards the provisions of the Act, a detailed affidavit has been filed, reference to which has been given while detailing the facts of the case. Having examined the allegations and the response, this Court does not find anything lacking on the part of the respondents. Nothing has been found on the part of the respondents which could have been said to be contumacious.

Now, we come to the issue as to whether the delay in compliance was willful. The question which would, therefore, arise for consideration is whether the delayed compliance constitutes willful disobedience, so as to attract the jurisdiction of this Court under the 1971 Act.

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 (CrI.) 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 Arthashastra, 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 believe it to be irregular or even void."

Again in Jennison v. Backer, AIR 1972(1) All England Reporter 997 Curish 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."

27. 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.”

28. Recently, in the case of **A.K. Jayaprakash (Dead) through LRs v. S.S. Mallikarjuna Rao and another** (Civil Appeal Nos.6732-6733 of 2009, decided on 19.08.2025), the Hon’ble Apex Court, while referring to the judgment in the case of “**Ashok Paper Kamgar Union v. Dharam Godha and others**, 2003(11) SCC 1, observed that contempt jurisdiction is intended to uphold the majesty of law and not to settle personal grievances. Similarly, in **Rama Narang v. Ramesh Narang and another**, 2006(11) SCC 114, it was held that in a case of civil contempt, the breach must be deliberated and intentional.

29. If the instant case is tested on the touchstone of the principles enunciated in various judgments, as referred to above, this Court is of the considered opinion that there is no willful disobedience nor is the intent contumacious. The exercise involved large-scale administrative coordination at the State level and could not have been completed instantaneously. The Affidavits filed by the Respondent no.1 demonstrate that the State authorities had been taking steps from time to time towards compliance of the directions issued by this Court. Such circumstances cannot justify laxity in complying with the orders of the Court. However, at the same time, the element of *mens rea*, essential for sustaining a charge of civil contempt, cannot be inferred merely on account of delay in implementing the directions.

30. That being so, the prayer for initiation of contempt proceedings is declined and rule stands discharged. The instant contempt petition is accordingly dismissed.

Pending applications, if any, also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

Pronounced on : May 26, 2026
vcgarg/p

Whether speaking / reasoned:	Yes
Whether Reportable:	Yes