

(2012) 04 RAJ CK 0047

Rajasthan High Court

Case No: Civil Contempt Petition No. 547 of 2011 in Civil Writ Petition No. 7953 of 2011

Arawali Veterinary
College

APPELLANT

Vs

Dr. Anup Bhaumik,
Secretary, Veterinary
Council of India, N.
Delhi

RESPONDENT

Date of Decision: April 6, 2012

Hon'ble Judges: Vineet Kothari, J

Bench: Single Bench

Advocate: Amit Dave, for the Appellant; Ravi Bhansali, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Hon"ble Dr. Justice Vineet Kothari

1. This contempt petition has been filed by the petitioner for the alleged breach of an interim order passed by this Court on 01.09.2011 in writ petition filed by the petitioner-College (Arawali Veterinary College, Sikar). By the interim order dated 01.09.2011, a coordinate bench of this Court while issuing the notices to the respondents directed that "in the meantime order dated 12.07.2011 (Annx.14) shall remain stayed upto 10.10.2011. The respondent University shall, while carrying out counselling may include the petitioner college for the purpose of allotment of candidates. The present contempt petition has been filed against Dr. Anup Bhaumik, Secretary, Veterinary Council of India, New Delhi, and not against the authorities of the respondent- Rajasthan University of Veterinary & Animal Sciences, Bikaner, arrayed as respondent in the writ petition, on the ground that said Council through its Secretary published a notice in the newspaper vide Annex.P/4 dated 23.07.2011 that some colleges including the present petitioner-College, were not recognized by the Council and, therefore, the students who take admission in

such colleges, would be doing so at their own risk and peril, which publication according to petitioner-College amounts to contempt of interim order of this Court, and hence the present contempt petition has been filed.

2. Learned counsel for the petitioner, Mr. Amit Dave, drew the attention of this Court towards Para 6 of the contempt petition, in which it is stated that despite the fact that notices issued in the writ petition of the petitioner was served upon the Veterinary Council of India and information as to granting of interim order was conveyed to the Veterinary Council of India, yet the impugned public notice dated 23.09.2011 was issued by the respondent-Council. He further submitted that receipt of such service on 09.09.2011 was produced as stated in para 4 of the contempt petition. However, no such documents or receipt has been produced along-with the contempt petition.

3. The respondent in his reply has denied the service of interim order of this Court on him on or before 23.09.2011. Learned counsel for the respondent, Mr. Ravi Bhansali, also submitted that the interim order was qua the respondent-Rajasthan University of Veterinary & Animal Sciences, Bikaner only and not qua the Council, however, assuming for the arguments" sake he submitted that the interim order was served on the respondent- Veterinary Council of India also, staying the impugned order (Annex.14) dated 12.07.2011, was only passed by the respondent-Rajasthan University of Veterinary & Animal Sciences, Bikaner. He, however, submitted that publication of the notice in the newspaper was only in the interest of the students bringing to their notice that these colleges including the petitioner- College were not recognized by the Council and it does not amount to any disobedience of order passed by this Court.

4. It may be a subject matter of the dispute between the parties as to whether the petitioner-College was liable to be recognized by the respondent-Council or not, however, the present contempt petition before this Court is found to be based on vague averments and weak foundation. Firstly, the interim order dated 01.09.2011 does not grant any direction against the respondent-Veterinary Council of India; and secondly, the publication of notice on its own, cannot amount to contempt of any such interim order passed by this Court as the same is merely to make aware the students about pendency of litigation and the factum of nonrecognition of the petitioner-College by the respondent-Council. In view of above discussion, this Court is of the opinion that the contempt jurisdiction cannot be misused by the petitioner-College on the anvil of such interim order in the manner it has been done. Accordingly, the present contempt petition is found to devoid of any merit and the same is hereby dismissed. Notices stand discharged.