

(2011) 10 JH CK 0029

Jharkhand High Court

Case No: Contempt Case (Civil) No. 290 of 2011 With I.A. No. 2312 of 2011

The Jharkhand Rajya
Project Balika Uchcha
Vidyalaya
Shikshak/Karmchari
Sangh and Others

APPELLANT

Vs

The State of
Jharkhand and Others

RESPONDENT

Date of Decision: Oct. 13, 2011

Citation: (2012) CriLJ 1152

Hon'ble Judges: Prakash Tatia, C.J; Rakesh Ranjan Prasad, J; Poonam Srivastava, J

Bench: Full Bench

Final Decision: Dismissed

Judgement

1. Heard learned counsel for the parties.
2. The grievance of the writ petitioners is that the order passed by Full Bench of this Court in C.W.J.C. No. 4783 of 1996 dated 07.12.1999, upheld by the Hon'ble Supreme Court in Civil Appeal No. 6626-75/2001 vide order dated 03.01.2006, has not been complied with by the State Government.
3. In the contempt petition it has been submitted that earlier also contempt petition was submitted and that has been withdrawn and, thereafter, this contempt petition has been submitted. This contempt petitioner has been placed before the Full Bench in view of the fact that earlier order, disobedience of which has been alleged, was passed by the Full Bench of this Court.
4. According to the learned counsel for the petitioners, the Alam Committee was constituted in pursuance of the directions given in the orders referred above and thereafter, Chugh Committee was constituted vide order dated 20.06.2010. The Chugh Committee recommended in favour of the writ petitioners and that

recommendation has not been rejected by the State Government and the State Government has thereby not implemented the direction given by the Full Bench of this Court, upheld by the Hon"ble Supreme Court.

5. Learned counsel for the State submitted that after considering both the reports, a decision was taken by the State Government on 09.02.2011, copy of which has been placed on record along with reply to the contempt petition as Annexure-A, and it is submitted that this decision was taken consciously by the State Government to implement the direction given by the Courts i.e., by the Full Bench of this Court and the Hon"ble Supreme Court, and that is clearly mentioned in Annexure-A.

6. The petitioners have filed a supplementary affidavit and annexed the copy of the opinion given by the Advocate General dated 20.08.2011 and recommendation of the Law Department of the Government dated 20.08.2011 (above two dates are not clear and legible in the annexures but we presume that these opinions were given subsequent to the Government decision dated 09.02.2011).

7. We have considered the submissions of the learned counsel for the parties and we are of the considered opinion that after the decision of the Court referred above, the Government has taken a decision on 09.02.2011. Before this decision, the reports of Alam Committee and Chugh Committee both were before the State Government. After Government's decision, if any other opinion has been given by any of the officer of the Government or office of the Government, that will not render the decision of the State Government a non est or can be said to be a decision not attained finality.

8. Learned counsel for the petitioners frankly admitted that the validity of Annexure-A cannot be challenged in a contempt jurisdiction.

9. In view of the above reasons, if petitioners want to raise their grievance that in the decision dated 09.02.2011 the Chugh's committee report has not been taken into consideration or because of the subsequent opinion some other decision should have been taken, at the most, the writ petitioners could have approached the Court by way of filing a writ petition. It is also pertinent to mention here that so far as direction to follow any particular committee's recommendation is concerned, that is not in any of the directions issued by the Court and, particularly, the grievance of the writ petitioners is that the Chugh's Committee recommendation has not been followed by the State Government, for that also, learned counsel for the petitioners failed to show us that any direction was given in any of the above orders to follow the Chugh's Committee report, therefore, in limited jurisdiction under the contempt proceedings, we are not in a position to address the issues.

10. We are of the considered opinion that no case is made out for the contempt or disobedience of the orders passed by this Court and the petitioners are free to avail any other remedy, if it is available to them. This contempt petition is dismissed and notices are discharged.