

HIGH COURT OF MADHYA PRADESH : AT JABALPUR
SINGLE BENCH: HON'BLE SHRI JUSTICE SUBHASH KAKADE

CONC No.351 of 2012

PETITIONER: Bharat Singh Pawar S/o Shri Sukhdev Singh
Pawar, aged about 35 years, working as Guruji,
Block (Timarni) Khidkiya, Distt. Harda (MP)

Versus

RESPONDENT: Shri Ashok Warnwal, Commissioner, Rajya
Shiksha Kendra, Pustak Bhawan, B-Wingh,
Arera Hills, Bhopal (MP)

None for the petitioner.

None for the respondent.

ORDER
(25.04.2016)

This contempt petition under Article 215 of the Constitution of India read with Section 12 of Contempt of Courts Act, 1971 has been filed by the petitioner alleging non-compliance of the Order dated 16.03.2011 passed in WP No.4785/2011 (S).

2. The petitioner who is working as Guruji in Block (Timarni) Khidkiya, Distt. Harda, *inter alia* contended that the petitioner was candidate who had appeared in the selection process conducted by the Professional Selection Board in the matter of appointment of Samvida Shala Shikshak. By the recruitment rules framed scheduled castes and scheduled tribes candidates were required to secure 30% marks for being qualified for

appointment and general category candidates were required to secure minimum 40% marks for being considered for selection. The State Govt. by the circular impugned in the petition enhanced the minimum marks from 30% to 40% in the cases of scheduled castes and scheduled tribes candidates and 40% to 50% of the cases of general category. The aforesaid action of State Govt. and the scheme issued was challenged before the Division Bench of this Court. The Division Bench has quashed the enhancement of the minimum marks vide order dated 24.08.09 passed in WP no.1688/09(S).

3. Writ petition No. 4785/2011(S) came for up hearing and same was disposed of by the Court vide Order dated 16.03.2011 with a direction to the respondents to consider the cases of the petitioners for appointment to the post of in question on the basis of the minimum marks acquired by the petitioners in the selection process in the light of the order passed by the Division Bench on 24.08.09 in WP No.1688/09(S).

4. Pursuant to aforesaid direction, the petitioner supplied the order of this Court to the respondents but the respondent has not taken any action for redressing the grievance of the petitioner, hence this contempt petition.

5. None appeared for the parties on date of hearing i.e. on 18.04.16.

6. The answering respondent at the outset tenders his unconditional and unqualified apology in reply filed by him. As evident from this reply dated 07.01.15 of the respondent that after considering all the aspects of the matter the Commissioner, RSK has passed a detailed order (Annexure R/2) dated 28.11.14 finding the claim of the petitioner for his selection unsustainable. The copy of the aforesaid order was duly communicated to the petitioner and the petitioner expressed his satisfaction on the decision and has submitted his affidavit (Annexure R/3) to the

Commissioner, RSK sworn on 21.02.14. It is pointed out that in view of aforesaid, nothing remains to be executed and the directions issued in the petition are substantially complied with.

7. In view of facts made hereinabove, the answering respondent prays, as no case is made out warranting initiation of contempt proceedings, hence the *rule nisi* issued against him be discharged.

8. Keeping in view the aforesaid factual scenario, it is crystal clear since the order has already been complied with, nothing survives in the matter after passing of the order by this Court on dated 16.03.11 in WP No.4785/2011 (S).

9. In case the petitioner is still aggrieved by the manner in which his claim is settled, he may resort to such remedy as may be available under the law for challenging the order passed by the respondent.

10. Accordingly, with the aforesaid liberty to the petitioner, in view of compliance report, the respondent stands discharged and the *rule nisi* issued against the respondent stand discharged. The contempt petition stands disposed of accordingly.

11. No orders as to cost.

**(Subhash Kakade)
Judge.**

Jk.