

(2013) 03 RAJ CK 0065

In the Rajasthan High Court

Case No : Civil Contempt Petition No. 371 of 2010

Nihar Jain

APPELLANT

Vs

Tapesh Panwar and Others

RESPONDENT

Date of Decision : 29-03-2013

Acts Referred:

Jai Narain Vyas University Jodhpur Act, 1962 — Section 12(5)

Citation : (2013) 03 RAJ CK 0065

Hon'ble Judges : Veerendr Singh Siradhana, J; Dinesh Maheshwari, J

Bench : Division Bench

Advocate : Nihar Jain, for the Appellant; Anand Purohit and A.A.G. with Mr. Praduman Singh and Mr. Kuldeep Mathur, for the Respondent

Final Decision : Dismissed

Judgement

1. The petitioner, said to be a regular student of Jai Narayan Vyas University, Jodhpur, has filed this contempt petition alleging disobedience, by the authorities of the State Government and the University, of the order passed by a Larger Bench of this Court on 05.12.2009 in relation to holding and conducting of Students' Union Elections in the Universities. The petitioner has referred to the following passage of the order dated 05.12.2009 of the Larger Bench:

In view of the acceptance of Lyngdoh Committee's report by the State Government now there is no need of any direction of the Court. Now, all the elections in the colleges and universities in entire State of Rajasthan will be in accordance with the procedure prescribed in Lyngdoh Committee's report and for that purpose it is for the State and the Universities etc. to make appropriate amendments in their rules framed for conducting the elections of the students' unions in consonance with the Lyngdoh Committee's report and, thereafter, they may proceed to hold elections for the students' unions of the colleges and universities students' union in according with Lyngdoh Committee.

With reference to the above, the petitioner has averred that the State

Government issued directions to the Universities and Colleges of the State of Rajasthan regarding Students' Union Elections in the communication dated 25.06.2010. Then, the petitioner has referred to certain passages from Lyngdoh Committee's report and has stated alleged violation of some parts of such recommendations. The petitioner has also taken exception against the communication dated 25.06.2010 with the suggestion that this Court never directed the State Government to issue any such order. It is essentially contended that appropriate amendment in the Student Union's constitution, in accordance with the procedure prescribed in Lyngdoh Committee's report, has to be carried out but that has not been carried out and hence, the State and the University have not followed the procedure contemplated by the orders passed by the Courts.

2. On behalf of the University as also on behalf of the State Government, additional affidavits have been filed. In the affidavit filed by the Principal Secretary to the Government in its Higher Education Department, it has been stated that,-

1. That I am presently holding the post of Principal Secretary, Higher Education Department, Government of Rajasthan, Jaipur and as such am well conversant with the facts of the present case.

2. That the humble deponent submits that in the academic session 2010-2011 the elections of students Union in all the Universities and Government Colleges being run under the Higher Education Department were held as per the recommendations of the Lyngdoh Committee. In this regard, the Higher Education Department had already issued detailed instructions vide letters dated 27.1.2010, 29.1.2010 and 25.6.2010.

3. That it is also respectfully submitted the elections of students Union in all the higher educational institutions are being conducted in accordance with the aforesaid instructions issued by the Higher Education Department. The elections of students Union held in the academic session 2010-2011 on 25.8.2010, session 2011-12 on 20.8.2011 and 2012-13 on 18.8.2012 were also as per the recommendations of the Lyngdoh Committee.

3. In the affidavit filed by the Registrar of the University it is, inter alia, stated as under: -

4. That the JNV University, Jodhpur after receiving report of Lyngdoh Committee and Communication dated 25.06.2010 from the State Government constituted a Committee for smooth conduct of Students Union Elections. The said Committee in its meeting dated 19.07.2010 resolved various issues and also resolved to accept recommendations of a Sub Committee with regard of code of conduct and eligibility criteria of candidates to vote and contest the Students union Elections. It is pertinent to note here that a Sub Committee constituted to examine in detail the eligibility criteria for the candidates of Students Union Election and also various other guidelines suggested by the Lyngdoh Committee and State

Government resolved that the same may be incorporated in the constitution of the Students Union.

5. That the Vice Chancellor of the JNV University, Jodhpur vide Notification dated 24.07.2010 in exercise of the power vested in him u/s 12(5) of Jai Narayan Vyas University Act, 1962 approved the amendments in the Constitution of Students Election. True and correct copy of the Notification dated 24.07.2010 alongwith amendments in the Constitution of Students Election is enclosed herewith and marked as Annexure A/A-02 collectively.

6. That the facts mentioned above clearly shows that the respondent University is not guilty of committing any contempt of the court's order dated 05.12.2009. The respondent University after receiving recommendations of the Lyngdoh Committee and communication dated 15.07.2010 of the State Government appropriately amended the Constitution of Students Union and thereafter conducted the Students Elections.

4. During the course of submissions, the learned Addl. Advocate General has, inter alia, pointed out that the issues arising from and in relation to Lyngdoh Committee's report are themselves pending for consideration before the Hon'ble Supreme Court. The learned Addl. Advocate General has, however, contended that so far the State Government and the Universities are concerned, they have not in any manner defied or disobeyed any directions of the Court. It is also pointed out that certain other writ petitions in relation to the conduct of particular elections were filed and some of them are still pending in this Court.

5. We would, obviously, not be making any comments as regards the pending matters. So far the present matter is concerned, after taking into comprehension all the facts and circumstances, the observations of the Court and the affidavits filed, we are satisfied that no case of willful and deliberate disobedience of the orders of the Court is made out.

6. Therefore, this contempt petition stands rejected. It goes without saying that rejection of this contempt petition shall otherwise have no bearing on the substantive proceedings pending or brought up before the Court in accordance with law.