

(2024) 10 JH CK 0021

In the Jharkhand High Court

Case No : Contempt Case (Civil) No. 938 Of 2024

Reeti Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 28-10-2024

Acts Referred:

Citation : (2024) 10 JH CK 0021

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Ajit Kumar, Moushmi Chatterjee, Prashant Pallava, Ayush

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner and Mr. Prashant Pallava, the learned counsel appearing on behalf of the O.P.No.2/ Principal, MGM, College, Jamshedpur.

2. Pursuant to the order dated 25.10.2024, Mr. Diwakar Hansda, Principal of MGM College, Jamshedpur is present in the Court along with the original certificates of the petitioner.

3. Mr. Prashant Pallava, the learned counsel appearing on behalf of the O.P.No.2 submits that a show cause has been filed on behalf of the O.P.No.2/ Principal, MGM College, Jamshedpur and the interim order in W.P.(C) No.5286 of 2024 was passed on 23.09.2024. He submits that by the said order the O.P.No.2/ Principal, MGM College, Jamshedpur was noticed and thereafter interim order has been passed. He submits that at that time, the O.P.No.2 was not heard. According to him, the main examination of the P.G., 2024 is under challenge and before the Hon'ble Supreme Court and for final disposal that matter was listed on 19.11.2024. He submits that counselling is not going on. He further submits that one review petition has been filed for reviewing the order dated 23.09.2024. He

further submits that the petitioner has not withdrawn from the Institution of the O.P.No.2 and in light of the bond, she is required to pay Rs.30 lakhs (thirty lacs) by fulfilling the bond condition. He submits that however the O.P.No.2 is present in the Court along with the original certificates of the petitioner.

4. Mr. Ajit Kumar, the learned Senior counsel appearing for the petitioner submits that the said writ petition has not been decided as yet and bond condition can be decided at the time of final hearing of the writ petition. He submits that seeing the urgency in the matter, the said order was passed. He submits that if she is not provided the original certificates, she will be debarred of taking admission for higher studies in P.G.,2024. Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner, on the instruction of the petitioner and the father of the petitioner who are present in the Court, submits that if the Court will direct, the father of the petitioner is ready to give the bank guarantee and according to him, withdrawal of the petitioner from the institute is there as contained in Annexure-2 of the writ petition and the petitioner is sticking on that. He submits that however if the Court will direct she will again file a petition for withdrawal from that Institution.

5. This contempt petition was filed as the order dated 23.09.2024 passed in W.P.(C) No.5286 of 2024 was not complied and seeing the urgency in the matter as the career of one of the doctor was at stake, the matter was listed on 25.10.2024 and on that day, a request was made and notices were issued upon the O.P.No.2 and pursuant to that order, the O.P.No.2 along with the original certificates of the petitioner is present along with his counsel Mr. Prashant Pallava, the learned counsel appearing on behalf of the O.P.No.2. Reason has been assigned of passing of such order in the order dated 23.09.2024 in W.P.(C) No.5286 of 2024. It is crystal clear that this compliance is subject to the final adjudication of the writ petition. Thus, right of the O.P.No.2 has not been taken away and that has been kept intact in light of the said order. It was pointed out that the father of the petitioner is a civil engineer and also doing his own business and he is a man of means. Thus, the bond condition can be decided by the Court in the final adjudication of the writ petition. By the interim arrangement only the said order has been passed considering the higher studies of the petitioner, who happened to be a doctor and wants to complete her P.G. Course.

6. In course of argument, Mr. Ajit Kumar, the learned Senior counsel appearing for the petitioner has pointed out that the Hon'ble Supreme Court has not stayed the counselling and only All India P.G. Counselling is not being done at this stage, however, other states are doing the counselling and for the state of Gujarat, Karnataka, Kerala, Maharashtra and Orissa, the counselling are closed.

7. In view of the above, the petitioner will file a further petition before the O.P.no.2 with regard to withdrawal from the said Institution and so far as bond condition is concerned, the same will be decided at the time of final adjudication of the writ petition and appropriate order can be passed at that stage with regard

to the bond condition as noted in the argument of Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner.

8. The right of the O.P.No.2 is kept intact in light of interim order passed on 23.09.2024, and in light of direction in that order, Dr. Diwakar Hansda, the Principal, MGM College, Jamshedpur, the O.P.No.2 has handed over 11(eleven) nos. of certificates (in original) to the petitioner who is present in the Court along with her father in presence of Mr. Ajit Kumar, the learned Senior counsel and Mr. Prashant Pallava, the learned counsel appearing on behalf of the O.P.no.2 who is appearing in this matter along with the O.P.No.2 and she (the petitioner) has received the said certificates in open Court proceeding.

9. In view of above, this contempt proceeding being Contempt Case (Civil) No.938 of 2024, is hereby, dropped, and accordingly, this contempt case is disposed of.

10. This Court appreciates the efforts taken by Dr. Diwakar Hansda, the O.P.No.2/ Principal, MGM College, Jamshedpur for taking such pain with regard to compliance of the Court's Order.