

(2023) 01 TEL CK 0042
In the Telangana High Court
Case No : Contempt Case No. 698 Of 2022

Sailatha Banoth

APPELLANT

Vs

Dr. Devulapalli Praveen Kumar And Another

RESPONDENT

Date of Decision : 30-01-2023

Acts Referred:

Contempt of Courts Act, 1971 — Section 10, 11, 12

Citation : (2023) 01 TEL CK 0042

Hon'ble Judges : Dr. Chillakur Sumalatha, J;M.G. Priyadarsini, J

Bench : Division Bench

Advocate : Jogram Tejavat

Final Decision : Dismissed

Judgement

1. Alleging that the respondents wilfully failed to implement the order passed by this Court in W.P.No.16956 of 2022, dated 01.04.2022 and thereby became liable for punishment under the provisions of Contempt of Courts Act 1971, the present Contempt Case is filed.

2. Heard Sri Jogram Tejavath, learned counsel for the petitioner as well as Smt.G.Lakshmi, learned counsel on record for Respondent No.2.

3. Writ Petition No.16956 of 2022 was filed seeking the Court to declare the free exit notification dated 29.03.2022 as illegal on the ground that the said notification is violative of the principles of natural justice.

4. This Court (Bench consisting of Sri Justice A.Rajasheker Reddy and Smt.Justice M.G.Priyadarsini) on 01.04.2022, on hearing both parties, disposed of the said Writ Petition with the following direction:-

"In view of the facts and circumstances of the case and the submissions of the learned counsel, the Writ Petition is disposed of leaving it open to the petitioner to participate in the next phase of counselling, if any, to be held by the 2nd respondent-University under the Competent Authority Quota and Management

Quota-B category, by continuing in the present seat. However, the petitioner is required to register with the 2nd respondent by paying requisite registration and service provider charges for considering her case in the upcoming counselling if any, under Competent Authority Quota and Management Quota-B category."

5. Making his submission, learned counsel for the petitioner contended that the respondents failed to honour the orders of this Court and they did not relieve the petitioner free of cost. Learned counsel stated that they insisted payment of Rs.3 lakhs and under compulsion, the petitioner paid the said amount and demand of the said amount is in clear violation of the order of this Court. Learned counsel submitted that though the order passed by this Court is taken to the knowledge of the 2nd respondent, the 2nd respondent carelessly stated that Courts would be passing different orders and there is no obligation on his part to act upon each and every order. Learned counsel contended that the petitioner belongs to Scheduled Tribe community and she, having no other go, facing much difficulties, secured the said amount of Rs.3 lakhs and paid the same and as the order of this Court was violated, the respondents are liable to be punished under Sections 10 to 12 of the Contempt of Courts Act, 1971.

6. Vehemently opposing the submission thus made, Smt.G.Lakshmi, learned counsel appearing for Respondent No.2 stated that the petitioner challenged the Notification dated 29.03.2022, but this Court neither suspended nor had set-aside the said notification. Learned counsel submitted that all the students who intend to be relieved after 01.04.2022 are required to pay penalty charges of Rs.3 lakhs by way of Demand Draft to the University and the 2nd respondent followed the notification that is issued by Respondent No.1-University and received the Demand Draft. Learned counsel stated that the petitioner herself attached the Demand Draft of Rs.3 lakhs. Learned counsel also stated that the petitioner, who was well aware that there is no free exit, addressed a letter to the college authorities, after passing of order by this Court, requesting the college authorities to relieve her from the college and in the said letter, she herself mentioned that she is enclosing the Demand Draft of Rs.3 lakhs. Learned counsel also stated that in the relieving order, the 2nd respondent made a clear mention that the amount paid through Demand Draft is being sent to KNRUHS, Warangal and even it is not the case of the petitioner that the 2nd respondent has encashed the said Demand Draft. Learned counsel submits that the respondents did not violate any of the orders of this Court at any point of time.

7. As rightly contended by the learned counsel for the 2nd respondent, there is no order of waiver of the amount that has to be paid as penalty. Further, notification under challenge in the Writ Petition was not set-aside. The jurisdiction under the Contempt of Courts Act has to be exercised cautiously and with due diligence. Only if substantive material is placed before the Court which clearly indicates that the directions or orders issued by the Court are willfully and knowingly disobeyed, then only the person or authority which disobeys the order can be held to be guilty of committing the offence of Contempt. In the case on

hand, we do not find any such grounds or material to hold that the respondents have committed such wilful acts. Further, collecting the penalty which has to be paid as per the notification issued cannot be termed to be an act of contempt, as such collection is not specifically prohibited through order which is referred to by the petitioner. Therefore, we are of the considered view that the respondents cannot be held to be guilty of disobeying the orders of this Court.

8. Therefore, with an observation that the Contempt Case lacks merits, the same is accordingly dismissed.

9. Pending miscellaneous petitions, if any, shall stand closed.