

(2012) 06 KAR CK 0045
In the Karnataka High Court
Case No : CCC (Civil) No. 294 of 2012

Sunil Kumar H

APPELLANT

Vs

Sri V.B. Patil, I A S Secretary Karnataka Public Service
Commission Park House, Udyoga Soudha Bangalore - 560001
and Sri Mohammed Sanaulla, I A S Secretary Government of
Karnataka Department of Personal and Administrative
Reforms, Vidhana Soudha Bangalore - 560001

RESPONDENT

Date of Decision : 05-06-2012

Acts Referred:

Citation : (2012) 06 KAR CK 0045

Hon'ble Judges : D.V. Shylendra Kumar, J;B. Manohar, J

Bench : Division Bench

Advocate : P. Mahesha and Sri Krishna B J, for the Appellant;

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar, J.—Frivolous applications, frivolous writ petitions and even when are dismissed, nevertheless, undaunted, such persons approach this court invoking contempt jurisdiction also. The present contempt petition is one such. The complainant who is an aspirant to write some competitive examination conducted by the Karnataka Public Service Commission, was not very happy with the manner of conduct of examination and it appears had sought for awarding him some grace marks and questioned the evaluation etc.

2. In this regard, the complainant and many such persons had approached Karnataka Administrative Tribunal in batch of applications in Nos.4962 to 5055 of 2010 seeking for various reliefs.

3. However, the Tribunal did not find it proper to grant the relief sought for, but disposed of the applications with some directions for permitting the applicants to appear for the main examination subject to the decision etc.

4. The complainant being not very satisfied with such order of the Tribunal had

approached this court by filing writ petition, but the writ petition also came to be dismissed as not pressed as per order dated 24.2.2012 in writ petition Nos.3930-3931/2012, but reserving liberty to the petitioner to approach the Karnataka Public Service Commission if he has any grievance subsisting etc.

5. It is thereafter the present contempt petition complaining that though the complainant did make a representation to the Karnataka Public Service Commission, it has not been positively considered etc.

6. When a writ petition is dismissed, whether as not pressed or withdrawn or on merits, there is no positive order which results in favour of the petitioner. An observation in the nature of petitioner being at liberty to pursue his efforts elsewhere is not any positive order, but only making it explicit that the right of the writ petitioner is not in any way affected as they are not examined in writ jurisdiction etc.

7. We do not find any occasion to exercise contempt jurisdiction in a matter of this nature which in our considered opinion, more frivolous than having any merit. Contempt petition is dismissed.