

(2011) 03 AHC CK 0188
In the Allahabad High Court

Yamini Singh

APPELLANT

Vs

Bhaiya Lal Saroj (B.L.Saroj) Secretary U.P.Sec.Edu.S.S.B.

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Citation : (2011) 03 AHC CK 0188

Hon'ble Judges : Sanjay Misra, J

Final Decision : Dismissed

Judgement

Sanjay Misra, J.

Heard Sri Udai Narayan Khare learned counsel for the applicant, Sri P.S. Baghel learned Senior Counsel assisted by Sri A.K. Yadav learned counsel appearing on behalf of the opposite party.

An affidavit of compliance has been filed by the opposite party today along with an application for exemption of personal appearance. Let the same be taken on record. Office is required to give a regular number to the application.

In the affidavit of compliance it has been stated that with respect to one post under the advertisement No. 1 of 1998 the matter was agitated in a writ petition before the Lucknow Bench which ultimately went to the Supreme Court and ultimately the U.P. Secondary Education Service Selection Board has passed an order dated 28.3.2011 for readvertisement of that one post. In so far as the other posts with respect to the advertisement are concerned learned Senior Counsel has submitted that in compliance of the directions issued on 5.8.2010 in writ petition no. 45228 of 2010 (Smt. Yamini Singh Vs State of U.P. and others) the selection process has been completed and select list has been declared.

From a perusal of the order dated 5.8.2010 passed by the writ court it appears that Sri A.K. Yadav learned counsel for the Selection Board had submitted that if the process of selection had not been completed it shall be completed within two months and select panel be notified. In view of the submission of Sri Baghel learned Senior Counsel assisted by Sri A.K. Yadav learned counsel for the Board

that the select panel has been notified it appears that the Board has complied with the directions issued by the writ court and it cannot be said that the opposite party is guilty of disobedience of the directions issued by the writ court.

In so far as one post of Advertisement no. 1 of 1998 is concerned the Board informs that they intend to readvertise the same in view of the proceedings undertaken before the court and they have readvertised it on 28.3.2011. In case the applicant is aggrieved by such action of the Board he may avail the remedy against such order before the appropriate forum since that order cannot be adjudicated upon its merits by this court in its contempt jurisdiction.

By an earlier order dated 16.3.2011 the opposite party Sri Bhaiya Lal Saroj was required to be present and bailable warrants has been issued against him. Office report dated 29.3.2011 indicates that Sri Bhaiya Lal Saroj has since been transferred to District Siddharthnagar as A.D.M (F & R) hence bailable warrants could not be served. The new incumbent Sri Naval Kishore who is Secretary although was not required but is present in the court.

In view of the aforesaid circumstances the bailable warrants issued against Sri Bhaiya Lal Saroj are withdrawn.

For the aforesaid reasons the contempt petition is dismissed. Notices issued are discharged.

No order is passed as to costs.