

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

ORDER

(S.B. Civil Contempt Petition No.11/2018)

1. Suresh Chand Meena S/o Shri Buddh Ram Meena, Aged About 41 Years, R/o Village & Post Sankra, Teh. Malarna Dunger, Distt. Sawai Madhopur
2. Roop Singh Meena S/o Shri Latoor Chand Meena, Aged About 42 Years, R/o Village & Post Jakhoda, Teh. Sapotra, Distt. Karauli (Raj.)
3. Bhijesh Kumar Gautam S/o Shri Chiranji Lal, Aged About 41 Years, R/o Village & Post Mundawari, Teh. Lalsot, Distt. Dausa
4. Lakhi Ram S/o Shri Gyasi Ram Yadav, Aged About 49 Years, R/o Village Sihali Khurd, Post Sihali Kaman, Teh. Mundawar, Distt. Alwar
5. Mahendra Kumar Verma S/o Shri Bhagwan Sahai Verma, Aged About 44 Years, R/o Village Sodawas, Post Mundawar, Distt. Alwar
6. Awadesh Kumar Gupta S/o Shri Harish Chandra Gupta, Aged About 46 Years, R/o Ward No.16, Gurjar Mohalla, Kherli, Teh. Katumpar, Distt. Alwar, Raj.
7. Ranjeet Singh S/o Shri Niranjan Singh, Aged About 43 Years, R/o Village & Post Gandala, Teh. Behror, Distt. Alwar
8. Chhuttan Lal Meena S/o Shri Mangya Lal Meena, Aged About 50 Years, R/o Village Dabra, Teh. Sapotra, Distt. Karauli, Raj.
9. Ramvir Singh S/o Shri Khem Singh, Aged About 39 Years, R/o Village Naglamal, Post Mal, Teh. Nadbai, Distt. Bharatpur Raj.
10. Kamal Singh Gurjar S/o Shri Hansraj Gurjar, Aged About 41 Years, R/o Village Thali, Post Khurta, Teh. Gangapur City, Distt. Sawai Madhopur
11. Jitendra Kumar Shrimali S/o Shri Jivraj Shrimali, Aged About 43 Years, R/o Lakhotiya Ka Chowk, Nar Singh, Temple, Bikaner
12. Ramgilas Meena S/o Shri Kanchan Lal Meena, Aged About 39 Years, R/o Village Ramapura, Post Khohari, Teh. & Distt. Karauli

----Petitioners

Versus

1. Mr. Naresh Pal Gangwal, Secretary, Education Department, Government of Rajasthan, Govt. Secretariat, Raj., Jaipur
2. Mr. Giriraj Singh Kushwaha, Secretary, Rajasthan Public Service Commission, Ajmer
3. Mr. P.C. Kishan, Director, Primary Education Department, Govt. of Rajasthan, Bikaner
4. State of Rajasthan Through Secretary, Education Department, Government of Rajasthan, Secretariat, Jaipur

----Respondents

Date of Order:

April 06, 2018.

PRESENT

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. K.S. Rawat on behalf of

Ms. Naina Saraf, for the petitioners.

Mr. S.K. Gupta, AAG with

Mr. V.S. Jadaun, for respondents.

BY THE COURT:

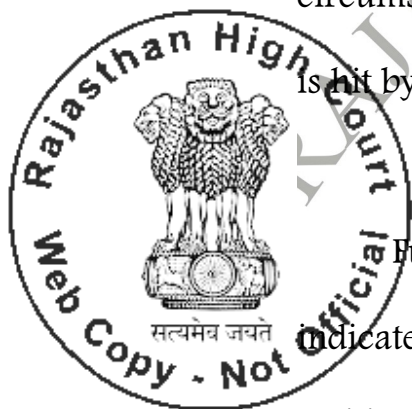


In SBCWP No.5788/2016 this court directed that in the event the petitioners were to address a comprehensive representation alongwith a copy of the judgment in the case of Manoj Kumar Tungariya Vs. State of Rajasthan, SBCWP No.1743/2005, decided on 15-12-2015, it be considered. Non compliance with the aforesaid direction is stated to be in contempt of the court's order aforesaid. Hence this petition.

Heard counsel for the petitioners and Mr.S.K. Gupta AAG for the contemnors.

For one, under Section 20 of the Contempt of Court Act, 1971 one year limitation is provided for filing a contempt petition. The representation, annexure-5, pursuant to the directions in SBCWP No.1743/2005, which is alleged to have been sent and yet remained unaddressed, does not even disclose the date on which it was sent or communicated to the Secretary, RPSC. In fact neither the mode of

sending the representation has been disclosed, nor its receipt at the end of RPSC has been filed with the contempt petition. There is nothing on record for this court to ascertain that it was even sent within one year of the Court's order dated 6-5-2016. In the circumstances the contempt petition is not maintainable as the same is hit by limitation.



Further even otherwise a perusal of the representation indicates that only a peremptory assertion was made by the petitioners about their case being at par with the case of Manoj Kumar Tungariya (supra). No material facts to ascertain the claim were set out. And it could thus not be ascertained at all how the petitioners were entitled for appointment to the post of teacher Grade-III with reference to the recruitment following the examination of 2004. It is thus apparent that the undated representation was not made disclosing requisite facts as was warranted in accordance with the order dated 6-5-2016 in SBCWP No.5788/2016.

In view of aforesaid, I find no force in the contempt petition. It is dismissed. Notices are discharged.

(Alok Sharma), J.

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All corrections made in the order have been
incorporated in the order being emailed.

Arun Kumar Sharma, Private Secretary.



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