

IN THE HIGH COURT OF KARNATAKA CIRCUIT BENCH AT  
GULBARGA

DATED THIS THE 22<sup>nd</sup> DAY OF JUNE 2009

PRESENT

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

AND

THE HON'BLE MR. JUSTICE ARALI NAGARAJ

CCC NO.1322/2009 (CIVIL)

BETWEEN:

*K. K. K.*  
corrected vide Chamber  
order dt 9/2/12

GADGIKAR SHAKUNTALA  
D/O SIDRAMAPPA GADGIKAR  
AGED ABOUT 47 YEARS  
ASSISTANT TEACHER  
NEELAMBIKA GIRLS HIGH SCHOOL  
BIDAR - 585 401.

...Complainant

(BY SRI JAIRAJ K BUKKA, ADVOCATE)

AND:

1. THE SECRETARY  
DEPARTMENT OF EDUCATION  
M S BUILDING  
AMBEDKAR VEEDHI  
BANGALORE 560 001  
BY NAME R G NADADOOR

2. THE COMMISSIONER OF

*f*

PUBLIC INSTRUCTIONS  
NEW PUBLIC OFFICE  
NRUPATHUNGA ROAD  
BANGALORE - 560 001.  
BY NAME G KUMAR NAYAK

3. THE DIRECTOR OF  
PUBLIC INSTRUCTIONS  
NEW PUBLIC OFFICE  
NRUPATHUNGA ROAD  
BANGALORE - 560 001.  
BY NAME MIR OBADIULLA

4. THE JOINT DIRECTOR OF  
PUBLIC INSTRUCTIONS  
GULBARGA DIVISION  
GULBARGA.  
BY NAME Y T GURUMURTHI

5. THE DEPUTY DIRECTOR'  
OF PUBLIC INSTRUCTIONS  
BIDAR DISTRICT  
BIDAR.  
BY NAME M H DONURA

(BY SRI S S KUMMAN, GA FOR R. 1 to 5)

ACCUSED  
Respondents *corrected vide cham  
order dt 9/2/12*

CCC IS FILED U/S 11 AND 12 OF THE CONTEMPT OF  
COURT ACT PRAYING TO INITIATE CONTEMPT  
PROCEEDING AGAINST THE RESPONDENT 1 TO 5 FOR  
COMMITTING CONTEMPT OF THE LAWFUL ORDERS  
DTD.5.11.07 IN W.P.NO.31347/2004 ANNEX-A ON THIS  
HON'BLE COURT AND PUNISH THE RESPONDENT IN  
ACCORDANCE WITH LAW.

THIS CCC COMING ON FOR ORDERS THIS DAY,  
SREEDHAR RAO J, MADE THE FOLLOWING:



**ORDER**

The petitioner was working as a teacher in the institution run by the Karnataka Rastriya Education Society since 1989. The institution enjoys the benefit of grant-in-aid. In the year 1995, one of the Assistant Teacher was promoted as Headmistress. There was a vacancy of a teacher. The management passed a resolution recommending the regularisation of the petitioner to the vacant post caused on account of promotion. Fifth respondent rejected the request. In the revision, second respondent confirmed the rejection. The petitioner filed the writ petition. This Court passed the following Order:

7. In the light of the facts and circumstances of the case, as stated above, the writ petition filed by the petitioner is disposed of as follows:

- 1) The writ petition filed by petitioner is allowed in part;
- 2) The order dated 5<sup>th</sup> April 2004 passed in Appeal No.44/2003 (Revision Petition No.110/2001) on the file of second respondent vide Annexure G is hereby set aside and the matter stands remitted back to the competent authority to reconsider the case of petitioner



afresh and to take appropriate decision in accordance with law and to dispose of the same, as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this order”.

2. The fifth respondent with some amount of delay has passed orders as per the directions of this Court vide annexures R1 and R2 dated 20/21-5-2009. In the order at annexures R1 and R2, the case of the petitioner is considered as directed and four reasons are given for rejecting the recommendation for regularisation of the petitioner. The petitioner filed the contempt petition before passing of the order at annexures R1 and R2.

3. It is the contention of the counsel for the petitioner that the technical plea that the vacancy got reserved in favour of ST candidate, was already urged in the writ petition and this Court had rejected. This Court had further directed the reconsideration of the case.



4. Now, the respondent no.2 under order at annexures R1 and R2, apart from the technical plea of reservation of the post to ST, has also given three more reasons for rejection. The said reasons were not urged in the writ petition by the respondents. The order of rejection at annexures R1 and R2, if it is illegal and is not in accordance with law, the petitioner is at liberty to challenge the same. The respondents by passing the orders at annexures R1 and R2 are deemed to have complied with the directions of the Court. Hence, it cannot be said that respondents are liable for contempt.

Petition dismissed.

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Sd/-  
JUDGE

Sd/-  
JUDGE

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