HIGH COURT OF ANDHRA PRADESH

* * * *

CONTEMPT CASE No. 2360 of 2017

Between:

Dr. N. Venkata Srinivasa Rao

..... PETITIONER

AND

1. Prof. Ch. C. Satyanarayana
2. Prof. G. S. R. Krishna Murthy

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **07.02.2023**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

1.	Whether Reporters of Local newspapers may be allowed to see the Judgments?	Yes/No
2.	Whether the copies of judgment may be marked to Law Reporters/Journals	Yes/No
3.	Whether Your Lordships wish to see the fair copy of the Judgment?	Yes/No

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RAVI NATH TILHARI,J

* **THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

\+ CONTEMPT CASE No. 2360 of 2017

% 07.02.2023

Dr. N. Venkata Srinivasa Rao

....Petitioner

Versus

$ 1. Prof. Ch. C. Satyanarayana
2. Prof. G. S. R. Krishna Murthy

....Respondents

! Counsel for the Petitioner: Sri A. Rajendra Babu

^ Counsel for respondent No.1: Sri M. Radha Krishna

^ Counsel for respondent No.21: Sri P. B. Vijay Kumar,
Senior Counsel,
Assisted by Sri P. Ponna Rao & P. Subash

< Gist :

> Head Note:

? Cases Referred:

1. (1999) 8 SCC 106
2. 2017 SCC Online Hyd 276
3. 2016 (1) ALD 579
4. AIR 2016 SC 4403
5. CC Nos.673 & 686 of 2020 (decided on 19.04.2022, APHC)
6. (2006) 4 SCC 257
7. AIR 1994 SC 2252
8. AIR 1985 Calcutta 143
9. AIR 1991 SC 1171
10. (2019) 18 SCC 150

11. AIR 2021 SC 5360 = (2022) 1 SCC 101
12. 2011 (6) ALT 119 (S.B)
13. AIR 1999 SC 3215
14. 2000 (6) ALT 430 (D.B)
15. (1978) 3 SCC 339
16. AIR 2021 SC 721
17. (2012) 4 SCC 307
18. AIR 1969 SC 189
19. (2002) 5 SCC 352
20. (2000) 2 SCC 367
21. (1986) 2 ALT 131
22. (2013) 14 SCC 127
23. (1984) 3 SCC 405
24. (2007) 11 SCC 374
25. (2014) 7 SCC 280

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

CONTEMPT CASE No. 2360 of 2017

JUDGMENT:

Heard Sri A. Rajendra Babu, learned counsel for the petitioner/applicant, Sri M. Radha Krishna, learned counsel for the 1st respondent – Professor Ch. P. Satyanarayana and Sri P. B. Vijay Kumar, learned senior counsel, assisted by Sri P. Ponna Rao, and Sri P. Subash, learned counsels, appearing for respondent No.2 – Professor G. S. R. Krishna Murthy.

Factual Background:

2. The petitioner/applicant – Dr. N. Venkata Srinivasa Rao was appointed as Guest/part-time Teacher on 21.11.2012 and continued till the academic year 2016-17 as such in the Department of Education of Rashtriya Sanskrit Vidyapeetha, Tirupati, now known as "National Sanskrit University, Tirupati" (in short 'University') He filed W.P.No.31900 of 2017 to continue him as such for the academic year 2017-18 and for the subsequent years with consequential reliefs.

3. In W.P.No.31900 of 2017 this Court passed interim order dated 21.09.2017, which reads as under:

> "Heard learned counsel for the petitioner.
>
> Issue notice to 2nd respondent.
>
> Learned counsel for petitioner is permitted to take out personal notice on the 2nd respondent by RPAD and file proof of service thereof into Registry.
>
> If there is any need, the respondents may consider the case of petitioner for his continuation on same terms, in accordance with rules.

Post after eight weeks."

4. The order dated 21.09.2017 not having been complied, the petitioner filed the present contempt case bearing CC.No.2360 of 2017 on 14.11.2017 against Professor Ch. P. Satyanarayana, the then Registrar incharge of the University, present respondent No.1.

5. In the writ petition, the University filed I.A.No.1 of 2017 on 27.11.2017 to vacate the interim order dated 21.09.2017 along with the counter affidavit, taking the stand that there was no work load as the students strength was reduced, giving the details of such reduction, and thus, showing that there was no need for the engagement of the petitioner as guest faculty teacher.

6. I.A. No. 1 of 2017 was dismissed by this Court vide order dated 19.02.2018, rejecting the ground for vacation i.e., shortfall in the intake capacity of the students being no more a valid ground.

7. In spite of the order dated 19.02.2018, the 1st respondent passed the order dated 07.03.2018 that on consideration, the case of the petitioner was rejected since "there is no need or requirement".

8. The order dated 07.03.2018 reads as under:

> "In compliance of the orders of Honourable High Court passed in WP.31900 of 2017, it is hereby informed that Vidyapeetha has considered your case and rejected to engage you as Guest Faculty on hourly basis in the Department of Education, RSV, Tirupati for the academic session 2017-18 **since there is no need or requirement**."

9. Challenging the order, dated 19.02.2018, the University filed W.A.No.553 of 2018 which was dismissed on 18.07.2018 finding no ground to interfere.

10. The order dated 07.03.2018 was passed after rejection of I.A.No.1 of 2017 in the writ petition, but before filing of the writ appeal.

11. After the dismissal of the writ appeal, no orders were passed to comply with the interim order dated 21.09.2017.

12. In the contempt case, notice was issued to the present 1st respondent on 30.11.2017, who filed counter affidavit on 27.03.2018.

13. On 28.12.2018 this Court issued notice in Form – I to the present 1st respondent.

14. Pending the contempt case, Professor G. S. R. Krishna Murthy, was appointed as Registrar incharge of the University. Writ Appeal was filed by the University through him and he was impleaded as respondent No.2 in the Contempt Case making the sole respondent, as respondent No.1.

15. On 18.02.2019 notice was issued to the present 2nd respondent. He filed counter affidavit on 21.02.2019.

16. On 20.07.2022 charge was framed against the 1st respondent, as also against the 2nd respondent in their presence as also in the presence of their respective counsels.

17. Charges were read over and explained to both the respondents and though the order dated 07.03.2018 passed by the 1st respondent and the counter affidavit dated 27.03.2018 filed by the 1st respondent and the counter

affidavit dated 21.02.2019 filed by the 2nd respondent are in English language, on their request the charges were explained to both of them in Hindi language as well.

18. The respondents denied the charges.

19. Time was granted as prayed to file response to the charges, as also the evidence, if any, in support of their defence. Copy of the order containing the charges was served on the respondents on 21.07.2022.

20. On 20.07.2022 Sri P. B. Vijay Kumar, learned senior counsel, assisted by Sri P. Ponnarao, learned counsel for the 2nd respondent and Sri M. Radha Krishna, learned counsel for the 1st respondent, advanced submissions which were recorded in the order, dated 20.07.2022, which shall be referred to and considered in the later part of this judgment.

21. The 1st respondent filed an additional affidavit on 01.08.2022 and another affidavit on 04.08.2022.

22. The 1st respondent in the additional affidavits dated 01.08.2022 and 04.08.2022 *inter alia* deposed that during his tenure as Registrar in charge, he made certain correspondences to the then Vice-Chancellor to implement the interim order, but the copy of those correspondences were not available with him which would be in the records of the University and as such he was not able to file or produce those correspondences in defence.

23. In view of the aforesaid, to comply with the principles of natural justice and to afford full opportunity to the 1st respondent to defend, and also to find out the correctness of the averment of the 1st respondent, that he made

efforts to implement this Court's order, dated 21.09.2017; an order was passed on 12.08.2022 directing the Vice-Chancellor of the University to file response to the affidavits dated 01.08.2022 and 04.08.2022 of the 1st respondent, under the affidavit of the present Registrar of the University.

24. The present Registrar of the University filed response/affidavit vide USR No.54244/2022, dated 22.08.2022.

25. On 07.09.2022, as requested, the 1st respondent was granted time to file reply to the affidavit of the Registrar, which reply was filed, after seeking further time by the 1st respondent, finally on 02.11.2022.

26. The 2nd respondent filed additional affidavit on 01.08.2022.

Consideration of charge against 1st respondent:

27. The charge against the 1st respondent is as under:

"Prof. Ch.P.Satyanarayana, has deliberately and willfully did not comply with the interim order dated 21.09.2017, inspite of the rejection of the application for vacation of the interim order, by order dated 19.02.2018, and has passed the order dated 07.03.2018 on the same ground, on which the application for vacation was rejected and inspite of the dismissal of W.A.No.533 of 2018 on 18.07.2018, which was filed against the order dated 19.02.2018 amounting to contempt of this Court punishable under Section 12 of the Contempt of the Courts Act."

28. The Order dated 21.09.2017 in W.P.No.31900 of 2017 reads as under:

> "Heard learned counsel for petitioner.
>
> Issue notice to 2nd respondent.

Learned counsel for petitioner is permitted to take out personal notice on the 2nd respondent by RPAD and file proof of service thereof into Registry.

If there is any need, the respondents may consider the case of petitioner for his continuation on same terms, in accordance with rules.

Post after eight weeks."

29. In I.A.No.1 of 2017 for vacation of the order dated 21.09.2017 filed by the University under the affidavit of the 1st respondent, the ground taken for vacation, was that there was no requirement / need in view of reduction of the work load due to reduction of intake capacity of students. This Court, on 19.02.2018 dismissed I.A.No.1/2017, clearly recording that there was only one candidate short in the total intake capacity for the two years course of B.Ed. Though there was short fall in the intake capacity in M.Ed course, the reason assigned in support of the prayer to vacate the interim order was no more valid. No other reasons were assigned in the counter affidavit and no case was made out for vacating the interim order, was observed by this Court.

30. It is apt to reproduce the order dated 19.02.2018 in I.A.No.1 of 2017 as under:

"Petitioner claims to possess degree in Bachelor of Education (B.Ed) and Master of Education (M.Ed). Pursuant to the recruitment notification issued in the year 2012, petitioner was appointed as Part time/Guest lecturer. Initially it was for period of one year and thereafter it was renewed from year to year. But for the academic year 2017-2018, no such renewal was granted, compelling the petitioner to invoke the jurisdiction of this Court.

According to the petitioner there is sufficient requirement and not granting renewal is not made in bonafide exercise of power and authority. According to the petitioner the University is adopting National Council for Teacher Education Rules, in Siksha Sastri (B.Ed) and Siksha Acharya (M.Ed) and from

the academic year 2015-16 the above courses have now made into two years course. Therefore, there is increase in the intake and thus, not renewing the appointment of petitioner is illegal.

This Court by order dated 21.10.2017 directed that if there is need, the respondents may consider the case of petitioner for his continuation on same terms, in accordance with the Rules.

Praying to vacate the said interim order, the present application is filed.

The stand of the 2nd respondent is that there is reduction in the intake capacity of students in B.Ed and M.Ed Courses and therefore, there is no requirement of services of the petitioner. Therefore, his appointment was not renewed for the academic year 2017-18.

In paragraph No.4 of the counter affidavit, the details of students' strength from year to year and for the academic year 2016-17 onwards are mentioned. In addition, the consolidated statement of student intake for B.Ed and M.Ed courses is filed in the tabulated form annexed to the counter affidavit at Page No. 108.

By placing reliance on the said statement learned Standing counsel vehemently contended that as there is reduction in intake capacity of the students, there is no requirement of services of the petitioner and therefore, not granting renewal to the petitioner was validly made and that petitioner cannot compel the University to renew his employment, even though there is no requirement.

Learned counsel for the petitioner countered this contention by stating that what is shown in Page No. 108 and what is mentioned in Paragraph No.4 of the counter affidavit, applies for one year of B.Ed and M.Ed courses only and does not reflect the total incapacity for two years of the B.Ed and M.Ed courses and therefore there is clear suppression of true and correct facts.

Learned Standing counsel, though initially sought to stick to his earlier assertion, on receiving clear instructions from the Vice-Chancellor he has accepted that wrong statement was made and sought time to file

affidavit expressing apology for making a wrong statement and to place on record the correct figures.

Having regard to the statement made in the counter affidavit and assertions about the intake capacity, the Court expressed displeasure in the manner in which the affidavit was drawn and directed the Registrar of the University to appear in person as well as to file an affidavit.

Today, the Registrar of the respondent University is present. Affidavit is filed deposed by the incumbent Registrar Prof.Ch.P.Satyanarayana. It is now stated that what is stated in paragraph No.4 of the counter affidavit and the statement enclosed at Page No.108 do not reflect the correct student intake capacity for two years and what is shown there would only reflect one year course. A detailed statement of intake for the year 2015-16 onwards is enclosed in a tabulated form in Paragraph No.4 of the affidavit filed by the Registrar. He has expressed unconditional apology.

A perusal of the statement would disclose that for the academic year 2017-18 the strength of students for B.Ed is 199 i.e one short of total strength. The plea to vacate the interim order is on the ground that there is reduction in the student strength. Whereas, the figures now furnished would show that there is only one candidate short of the total intake capacity for the two years course of B.Ed. Though there is short fall in the intake capacity in M.Ed course, the reason assigned in support of the prayer to vacate the interim order is no more valid. No other reasons are assigned in the affidavit deposed by the Registrar on 19.02.2018. No case is made out for vacating the interim order.

The affidavit deposed by the Registrar dated 19.02.2018 is taken on record and the Registrar is warned to be careful in future while making averments before the court.

This application (WVMP) is accordingly dismissed. Further appearance of the Registrar is dispensed with."

31. In the order dated 19.02.2018, this Court expressed displeasure in the manner in which the counter affidavit was filed in the writ petition and

directed the Registrar of the University, the present respondent No.1, to appear in person as well as to file affidavit, after the learned standing counsel appearing in the writ petition received clear instructions from the then Vice-Chancellor, contrary to what was stated in the counter affidavit by the Registrar, the present 1st respondent, that the Vice Chancellor accepted that wrong statement was made and sought time to file affidavit expressing apology for making a wrong statement, to place on record the correct figures.

32. In the order dated 19.02.2018, this Court further recorded that the Registrar, present 1st respondent, filed affidavit (subsequently) stating that what was stated in para-4 of the counter affidavit and the statement enclosed along with the counter affidavit in the writ petition for vacation of the interim order, did not reflect the correct student intake capacity. He also expressed unconditional apology.

33. On consideration of the correct statement, this Court rejected the plea to vacate the interim order and the Registrar- 1st respondent was warned to be careful in future while making averments before the Court, in the Order dated 19.02.2018 itself.

34. From the aforesaid, it is on record that, for vacation of the interim order dated 21.09.2017, the 1st respondent herein filed his affidavit making wrong statement and placing incorrect figures. The correct figure was furnished only by the then Vice Chancellor after acquiring the knowledge.

35. It is evident that in the affidavit of the 1st respondent in I.A.No.1 of 2017, the ground which was taken to vacate the order dated 21.09.2017 was

rejected by this Court on 19.02.2018, but in spite thereof, on the same ground that there was no need or requirement, the petitioner's case was rejected on 07.03.2018 by the following order:

> "In compliance of the orders of Hon'ble High Court passed in W.P.No.31900 of 2017, it is hereby informed that Vidyapeetha has considered your case and rejected to engage you as Guest Faculty on hourly basis in the Department of Education, RSV, Tirupathi for the academic session 2017-18 **since there is no need or requirement."**

36. W.A.No.553 of 2018, by the time the order dated 07.03.2018 was passed, had also not been filed by the University. The writ appeal was filed after the 2nd respondent was appointed as Registrar incharge.

37. In the writ appeal it was argued for the University that the post of Guest Faculty / Part-time Teacher in the Department of Education was reserved for Scheduled Caste and therefore, the writ petitioner could not be continued in the said post.

38. The writ appeal was dismissed on 18.07.2018 observing that there was no such argument or ground raised before the learned single Judge in I.A.No.1 of 2017.

39. The 1st respondent in the affidavit dated 01.08.2022 submitted and it was also argued by his learned counsel that the 1st respondent took charge of the Registrar on 01.11.2017 and resigned on 29.06.2018 as Registrar incharge of the University. He also retired from service on 31.10.2019. Being the Registrar incharge he requested the then Vice Chancellor to comply with the interim order of this Court. He could only bring the order of this Court to the

knowledge of the Vice Chancellor as the Registrar is merely a communication channel and himself does not have power to take decision with respect to appointment of faculty. As such, the Registrar alone cannot be held liable, as he cannot take a decision without the concurrence of the Vice Chancellor.

40. Paras 10 and 11 of the affidavit dated 01.08.2022 upon which emphasis has been placed by the learned counsel for the 1st respondent, read as under:

> "10. It is also respectfully brought to the notice of this Hon'ble Court that being Registrar (in charge), I have also requested the then Vice Chancellor to comply with the interim order passed by this Hon'ble Court in W.P.No.31900 of 2017
>
> 11. I respectfully submit that I could only bring the orders of this Hon'ble Court to the knowledge of the Vice-Chancellor of the Vidyapeeth, for further action. The Registrar is merely a communication channel between the Vidyapeeth and outsiders, and the Registrar himself does not have power to take any decision more particularly with respect to appointment of faculty. As such, Registrar alone cannot be held liable. Since I am only an in-charge registrar I can't take any decision without the concurrence of the Vice Chancellor. Even for filing counter affidavit I use to place the letter written by the standing counsel for his approval."

41. In paras-5 & 7 of the affidavit dated 04.08.2022, the 1st respondent further stated as under:

> "5. At the hearing of the above contempt case before this Hon'ble Court I have recollected my memory with regard to the above correspondence and on advice, I have sent a email to the present registrar on 03/08/2022, requesting him to furnish the copies of correspondence made by me with the then Vice Chancellor during currency of my tenure as Registrar (in charge) for implementation of order of this Hon'ble Court in the writ petition so as to

enable me to place it before this Hon'ble Court to show my bona-fides. A copy of the email letter sent to the registrar is annexed to this Affidavit and I crave leave of this Hon'ble Court to peruse the same for all purposes.

7. I humbly submit that I have requested the then Vice Chancellor several times orally to take steps for implementation of order of this Hon'ble Court. Since there was no response from him I felt inconvenience and submitted my resignation on 29.06.2018 as Registrar (in charge) duly mentioning the reason that "*Due to some inconvenience, I would like to request you to release me from the responsibilities of Registrar I/c, at earliest"* A copy of resignation letter is filed herewith and I crave leave of this Hon'ble Court peruse the same for all purposes."

42. In the response of the present Vice Chancellor through affidavit of the present Registrar of the University, dated 22.08.2022 it has been stated as follows in paras - 5(a), 5(b) & 5(c) as under:

"a) That the respondent no.1 communicated to the then Deputy Registrar of NSU a letter dt.24.01.2018 written by the then learned Standing Counsel of NSU about filing of the present contempt case received by the respondent no.1 through e-mail on 24.01.2018 and the Deputy Registrar submitted the same to the then Vice Chancellor for information.

b) The respondent no.1 communicated to the then Vice Chancellor on 24.02.2018 by email forwarding the copy of the order dt.19.02.2018 by this Hon'ble Court in I.A.No.1 of 2017 in W.P.No.3900 of 2017 received by the respondent no.1 from the then Standing Counsel by email on 24.02.2018.

c) That except the above two communications there are no other communications on record from the respondent no.1 to either the then Vice Chancellor or to any other authority as stated by the respondent no.1 in paragraphs 10 and 11 of the affidavit dt.01.08.2022 and in paragraphs 5 and 7 of the affidavit dt.04.08.2022."

43. In para-5 (a) of the affidavit dated 22.08.2022 it has been stated that the 1st respondent communicated to the then Deputy Registrar of the National Sanskrit University a letter dated 24.01.2018 written by the then learned standing counsel of the University about filing of the contempt case received by the 1st respondent through e-mail dated 24.01.2018 which was submitted by the Deputy Registrar to the then Vice Chancellor for information.

44. In para-5 (b) of the affidavit dated 22.08.2022 it is submitted that the 1st respondent communicated to the then Vice Chancellor on 24.02.2018 by e-mail forwarding the copy of the order dated 19.02.2018 in I.A.No.1 of 2017 in W.P.No.31900 of 2017 received by the 1st respondent from the then learned standing counsel by e-mail on 24.02.2018.

45. In para – 5 (c) of the affidavit dated 22.08.2022 it has been clearly deposed that except the two communications (i.e., letter dated 24.01.2018 and 24.02.2018 with respect to the copy of the order dated 19.02.2018), there are no other communications on record (of the University) from the 1st respondent to either the then Vice Chancellor or to any other authority as stated by the 1st respondent in paragraphs-10 and 11 of the affidavit dated 01.08.2022 and paragraphs-5 and 7 of the affidavit dated 04.08.2022.

46. In his reply dated 02.11.2022 to the response affidavit dated 22.08.2022 of the present Registrar, the 1st respondent has not denied paragraph-5 (c) nor has filed any document with respect to the alleged communication by him to the then Vice Chancellor requesting to comply with the order dated 21.09.2017.

47. The aforesaid two documents dated 24.01.2018 and 24.02.2018 are annexed by the 1st respondent himself in his affidavit dated 04.08.2022 and are being reproduced as under:

Communication dated 24.01.2018:

"**Subject:** CC.No.2360 of 2017 in WP.No.31900 of 2017 – Counter reg.
From: prabhala rajasekha (prabhalarajasekhar@gmail.com)
To: registrar_rsvp@yahoo.co.in
Date: Wednesday, 24 January 2018 8:45 PM

Sir,
Please find the attachment.

Thanking you
P. RAJASEKHAR
ADVOCATE
Attachments
LETTER-RSVP.docx (15l.84KB)

DR: urgent pl (hand written)
Sd/-xx 25.1.18 Submitted to VC for kind information (hand written)
Sd/-25.1.18 Sd/-xx V.C.

Communication dated 24.02.2018:

"FW: Fwd: Order copy in wp.no.31900 of 2017
From: Registrar RSVP (registrar_rsvp@yahoo.co.in
To: vmsharma2015@gmail.com, ajey1999@gmail.com
Date: Saturday, 24 February 2018 at 01:52 pm IST
19-02-2018 (hand written)

Yours Sincerely,
Prof.Ch.P.Satyanarayana
REGISTRAR i/c
Rashtriya Sanskrit Vidyapeetha
TIRUPATI – 517 507

On Saturday, 24 ebruary 2018 12:21 PM, prabhala rajasekhar prabhalarajasekhar@gmail.com wrote.

Sir,
Please find the attachment copy of order dt.19-02-2018

Thanking you,
P.RAJASEKHAR
ADVOCATE"

New Doc 2018-02-24 pdf
13 MB

48. A perusal of the aforesaid documents, reproduced as above, shows that the 1st respondent had submitted, to the Vice Chancellor, for information, letter of the then learned standing counsel dated 24.01.2018, informing about the adjournment of the contempt matter to enable him to file counter affidavit and the letter dated 24.02.2018 along with which copy of the order dated 19.02.2018 was sent.

49**.** In those documents, as aforesaid, there is nothing to support the stand/defence of the 1st respondent about his request to the Vice-Chancellor to comply with the order of this Court as mentioned in para-10 of the affidavit dated 01.08.2022 or for implementation of the orders of this Court passed in the writ petition, to show his *bona fides* as is the stand taken by the 1st respondent in para-5 of the affidavit dated 04.08.2022 as well.

50. Thus, there is nothing on record in support of the submission that the respondent No.1 made attempt, which he could only make, to comply with the order dated 21.09.2017, and the documents upon which reliance is placed do not support such defence of the 1st respondent.

51. Learned counsel for the 1st respondent has tried to submit that the communications dated 24.01.2018 and 24.02.2018, as also deposed in paras-7 and 8 of the reply affidavit dated 02.11.2022, were the 1st respondent's attempt made only to comply with the order, but the same is not acceptable, as perusal

of the letters dated 24.01.2018 and 24.02.2018, makes it evident that they were only the communications informing about the orders, by the 1st respondent and there is nothing to substantiate that the 1st respondent made any request or any attempt for implementation of the order dated 21.09.2017.

52. Further, any such stand, as above, was not taken in the counter affidavit of the 1st respondent dated 27.03.2018, the first counter affidavit in the contempt petition. Such defences in the later affidavits are only after thought and are also not substantiated from the evidence / documents filed in support of such averments in the later affidavits.

53. Further, in the additional counter affidavit dated 01.08.2022, the 1st respondent deposed that being the Registrar incharge, he also requested the then Vice Chancellor to comply with the interim order, but later on, the 1st respondent realizing that he might not succeed in proving what he stated in para-10 of the additional counter affidavit dated 01.08.2022 from the record of the University, filed another affidavit dated 04.08.2022 to improve upon his defence by deposing in para-7 thereof that he requested the then Vice Chancellor several times orally to take steps for implementation of the order. Now, in the additional affidavit dated 04.08.2022 the word 'orally' was introduced to improve upon the defence knowing well that the then Vice Chancellor, to whom the 1st respondent represents to have requested 'orally' to implement the order, had died on 13.01.2022 and consequently there would be no one to rebut, what he now deposed in the affidavit dated 04.08.2022.

54. With the affidavit dated 01.08.2022, the 1st respondent has annexed the Rules of Rashtriya Sanskrit Vidyapeetha, Tirupati, (in short 'the Rules'), in support of the submission that the Board of Management is the Principal Organ of the Management and Principal Executive Body of the University and the Registrar himself does not have the power to take any decision, more particularly with respect to appointment of Faculty and as such he alone cannot be held liable.

55. Learned counsel for the 1st respondent placed reliance on Rules 1 & 3 of the Rules, which provides as under:

"1. **Management of the Institution:**

The Board of Management constituted in accordance with the rules shall be the principal organ of the Management and principal Executive Boady of the Vidyapeetha."

"3. **Composition of the Board of Management:**

i) Vice-Chancellor who shall be the Chair Person
ii) Pro-Vice-Chancellor wherever applicable
iii) Deans of Faculties of Vidyapeetha not exceeding two (by rotation based on seniority) to be nominated by the Chancellor
iv) Three eminent academicians as nominated by the Chancellor
v) One eminent academician to be nominated by the Central Government in consultation with UGC
vi) One Vice-Chancellor of a Sanskrit University in the country to be nominated by the Chancellor.
vii) Two teachers (from Professors, Associate Professors) by rotation based on seniority to be nominated by Chancellor.
viii) Maximum of two nominees of the sponsoring Society/Trust/Company.
ix) The Registrar, who shall be the Secretary

The term of membership of the Board of Management shall be as follows:

i) All the members of the Board of Management other than the ex-officio members and the members of the teaching staff shall hold office for a term of three years and shall be eligible for reappointment.

ii) Members of teaching staff in the Board of Management shall hold office for a period of 2 years or till such time as they continue to be members of the teaching staff, whichever is earlier."

56. A perusal of rules shows that the Board of Management of the University, constituted in accordance with the rules, shall be the Principal Organ of the Management and Principal Executive Body of the Vidyapeetha. The composition of the Board of Management, as in Rule-3, consists of the Registrar as well, who shall be the Secretary. The Registrar as such is one of the members in the composition of the Board of Management.

57. So far as the aforesaid submission of the learned counsel for the 1st respondent is concerned, there is no plea taken in his affidavit that the decision dated 07.03.2018 was taken by the Board which rejected, to engage the petitioner as guest faculty for the academic session 2017-2018. Any such decision of the board has also not been brought on record. The order dated 07.03.2018 passed by the 1st respondent also does not make mention of any specific order of the Board of Vidyapeetha or of any other authority. The defence plea based on Rule 3 is therefore not acceptable.

58. As mentioned above on 20.07.2022 Sri P. B. Vijay Kumar, assisted by Sri P. Ponnarao, learned counsel for the 2nd respondent, as also Sri P. Subash, learned counsel, who later on appeared for the 2nd respondent, and Sri M. Radha Krishna, learned counsel for the 1st respondent, argued that non-

compliance of the interim order dated 21.09.2017 is neither deliberate nor willful. They submitted that the interim order used the expression 'may' and consequently, it was not mandatory for the respondents to comply. Learned senior counsel submitted that the word 'may' is directory and not mandatory. The word 'shall' was not used in the interim order. They further submitted that the interim order was subject to condition "if there is any need" and as there was no need, there was no deliberate or willful disobedience of the order.

59. So far as the aforesaid submission is concerned, it is not the case of the respondent No.1, that pursuant to the interim order, the case of the petitioner was not considered because of the expression 'may'. The 1st respondent passed the order dated 07.03.2018, meaning thereby the case was considered notwithstanding the use of 'may' in the order dated 21.09.2017. The only thing is that the rejection was on a ground that there is no need or requirement" which ground had already been rejected in I.A.No.1 of 2017 as no more valid.

60. In view of the aforesaid there is no scope for the submission that 'may' as used in the order of the Court is directory and not mandatory. Besides, in ***R. Gandhi v. Union of India***[1] the Hon'ble Apex Court has held that "It is a well settled principle that the words in the judgment of the Court cannot be interpreted as the words in a statute."

61. Learned counsel for the 1st respondent argued that the 1st respondent alone cannot be held responsible and guilty of the contempt.

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[1] (1999) 8 SCC 106

62. Merely because in the submission of the learned counsel for 1st respondent the others may also be responsible and guilty of contempt, on that ground, the 1st respondent cannot escape his liability and duty to comply with the Court's order. If he voluntarily or deliberately disobeyed the Court's order, it cannot be contended by him in defence that he alone cannot be held guilty.

63. Learned counsel for the 1st respondent has placed reliance in the judgment of ***G. Naganna v. Dr. Manmohan Singh***[2] and on the strength of that judgment, he submitted that the interim order cannot be seen in isolation, but is to be considered in the light of the prayer made in the writ petition. He further submitted that if an interim order gives scope for two different views or at least a scope for some degree of lack of clarity, it is not open to the Court to invoke the contempt jurisdiction.

64. In ***G. Naganna*** (supra), the petitioner therein was transferred and suspended by two different orders of the same date. He challenged the order of suspension before the Andhra Pradesh Administrative Tribunal in which interim stay of the order of suspension was granted. When the State filed an application for vacating the interim order and the petitioner therein filed a contempt application alleging willful disobedience of the order of interim stay, the Tribunal thought fit to take up the original application itself for disposal and disposed of the said application merely with a direction to the respondents therein to review the suspension of the applicant and to pass appropriate orders for his reinstatement. The petitioner challenged the said order in writ

[2] 2017 SCC Online Hyd 276

petition and sought interim suspension of the order of the Tribunal as also the order of suspension and further sought direction to reinstate him into service. The High Court passed *ex parte* interim order providing "interim suspension, as prayed for". In the contempt petition, the two learned Judges constituting the Division Bench not being in agreement with the conclusions reached by each other, the matter was referred to the third Judge. In the judgment dated 01.09.2017, upon which reliance has been placed, passed by the learned third Judge, it was held that the interim order cannot be seen in isolation and it was necessary to see the prayer in the writ petition and the relief sought in the miscellaneous petition and the interim order passed in the writ petition. It was found that the interim order passed in the writ petition was only "interim suspension, as prayed for" and there was no interim direction to reinstate. The main prayer in the writ petition was to quash the order of the Tribunal and the order of the Tribunal was the direction to review the suspension and pass appropriate orders for reinstatement. There was also no main prayer for reinstatement. Consequently, it was held that the respondent therein was not guilty of the disobedience of the interim order dated 22.12.2015 by not reinstating the petitioner therein.

65. In the present case the prayer in the writ petition is direction to continue the petitioner in the academic year 2017-18 and also in the subsequent academic years. The interim order dated 21.09.2017, as quoted above, is to consider the petitioner's case for his continuation on same terms in accordance with rules if there is any need. The stand of the 1st respondent that

there was no need was already negatived by this Court rejecting the I.A.No.1 of 2017. The writ appeal was also dismissed. Consequently, the interim order, even if, seen not in isolation, but in the light of the main prayer in the writ petition, the judgment in the case of ***G. Naganna*** (supra) is neither applicable nor of any help to the 1st respondent.

66. The further submission of Sri M. Radha Krishna, learned counsel for the 1st respondent, based on the judgment in ***G. Naganna*** (supra), is that if an interim order gives a scope for two different views or at least a scope for some degree of lack of clarity, it is not open to the Court to invoke the contempt jurisdiction.

67. The aforesaid submission deserves rejection. It could not be argued by the learned counsel for the 1st respondent as to what two different views were possible of the interim order dated 21.09.2017 or as to how the said order lacked in clarity.

68. Further, any such stand/defence as to what two different views are possible and how the order was not clear, in the understanding of the 1st respondent, has not been stated in any of the affidavits of the 1st respondent, though so many affidavits have been filed.

69. It is the understanding of the order by the person charged of contempt and that too in *bona fides* is of concern and not the understanding in the legal submission of his counsel. Even the learned counsel could not point out what two different views were possible of the plain and simple order dated 21.09.2017 and how the order was not clear.

70. In ***K. Mallaiah v. Sandeep Kumar Sultania***[3] the Division Bench of this Court held that if a party who is fully in the know of the order of the Court, or is conscious and aware of the consequences and implications of the Court's order, ignores it or acts in violation thereof, it must be held that the disobedience is wilful. It may not be possible to prove the actual intention behind the act or omission. A Court can approach the question only objectively, and it may presume the intention from the act done as every man is presumed to intend the probable consequence of his act. To establish contempt of court, it is sufficient to prove that the conduct was willful and that the contemnor knew of all the facts which made it a breach of the order. It is not necessary to prove that he appreciated that it did breach the order.

71. In view of the aforesaid consideration of the matter, the Court is of the definite view that the 1st respondent has committed willful disobedience of the order dated 21.09.2017 passed in W.P.No.31900 of 2017.

72. The charge against the 1st respondent is held proved to this effect that the 1st respondent deliberately and willfully did not comply with the order dated 21.09.2017 in spite of rejection of the application for vacation of the interim order by order dated 19.02.2018 and has passed the order dated 07.03.2018 on the same ground on which the application for vacation was rejected amounting to contempt of this Court, punishable under Section 12 of the Contempt of Court’s Act.

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[3] 2016 (1) ALD 579

Consideration of charge against 2nd respondent:

73. The charge against the 2nd respondent reads as under:

"Prof. G.S.R. Krishna Murthy, has deliberately and willfully did not comply with the interim order dated 21.09.2017, inspite of the rejection of the application for vacation of the interim order, by order dated 19.02.2018, against which W.A.No.533 of 2018 was also dismissed on 18.07.2018 amounting to contempt of this Court punishable under Section 12 of the Contempt of the Courts Act."

74. The 2nd respondent filed counter affidavit on 21.02.2019 and additional affidavit on 01.08.2022.

75. Sri P. Subash, learned counsel for the 2nd respondent submitted that the 2nd respondent assumed charge as Registrar in charge on 29.06.2018. The Department of Education did not make any request for the academic year 2017-18, as there was no need of any guest/part time lecturer in the Department of Education. He further submitted that the academic year 2017-18 came to end in April 2018 and therefore the first relief in the writ petition ceased to survive at the time the 2nd respondent joined as Registrar in charge on 29.06.2018, for that academic year, and so far as utilization of services of the petitioner for the future academic year is concerned, two sanctioned posts were vacant in the University reserved for Schedule Caste Category only, against which the petitioner could not be considered as guest/part time lecturer as he does not belong to the Scheduled Caste category.

76. So far as the submission of the learned counsel for the 2nd respondent that the order dated 21.09.2017 could not be complied as the post was earmarked for Scheduled Caste is concerned, the same plea was taken in the writ appeal but was not accepted by the Division Bench and the writ appeal was dismissed confirming the order dated 19.02.2018 by which the application for vacation of the interim order dated 21.09.2017 was rejected.

77. Once the plea of the University that there was no need or requirement was rejected and the plea of the sanctioned post being earmarked for Scheduled Caste was also not accepted, taking the same plea in defence for not complying with the order dated 21.09.2017 is not justified nor acceptable.

78. The plea taken by the University in I.A.No.1 of 2017 to vacate the interim order dated 21.09.2017 and the additional plea taken in the writ appeal also having been rejected, the same plea cannot form a valid defence in the contempt matter. The order must have been complied by the 2nd respondent as well , by considering the petitioner's case in terms of the order dated 21.09.2017 read with order dated 19.02.2018 and the order passed in W.A.No.553 of 2018 dated 18.07.2018.

79. Learned counsel for the 2nd respondent further advanced the same submissions as advanced by the learned counsel for the 1st respondent to the effect that it is the Board of Management which is the principal organ and the principal executive body of the University and the 2nd respondent being Registrar had no role to play. It was further submitted by the learned counsel for the 2nd respondent that under Rule 21 of the Rules of the Vidyapeeth, there

is Selection Committee for making recommendations to the Board of Management for appointment to the post, *inter alia,* of Assistant Professors and in that Selection Committee the Registrar is not there. He also pointed out to Rule 28 of the Rules of Vidyapeeth to contend that amongst the duties of the Registrar, it is not the duty of the 2nd respondent as the Registrar either to make selection or the appointment.

80. Rule 28 of the Rules are referred as under:

"**28. Registrar**

i) The Registrar shall be a whole time salaried officer of the Vidyapeetha and shall be appointed by the Board of Management on the recommendations of the Selection Committee consisting of the following:

   1) Vice-Chancellor – Chairperson
   2) One nominee of the Chancellor
   3) One nominee of the Board of management
   4) One expert appointed by the Board of Management who is not an employee of the Vidyapeetha.

ii) The emoluments and other terms and conditions of service of the Registrar shall be as prescribed by Rules of the Vidyapeetha.

iii) When the office of the Registrar is vacant or when the Registrar is absent by reason of illness or any other reason, the duties and functions of the Registrar shall be performed by such other person as the Vice-Chancellor may appoint for the purpose.

iv) The Registrar shall be ex-officio Secretary of the Board of Management, Academic Council and the Planning and Monitoring Board, but shall not be deemed to be a member of any of these authorities.

v) The Registrar shall be directly responsible to the Vice-Chancellor and shall work under his direction.

vi) The following shall be the duties of the Registrar:

1) To be custodian of the records and the funds and such other property of the Vidyapeetha as the Board of Management may commit to his/her charge;
2) To conduct the official correspondence on behalf of the authorities of the Vidyapeetha;
3) To issue notices convening meetings and the official correspondence of the authorities of the Vidyapeetha and all Committees and Sub-Committees appointed by any of these authorities;
4) To maintain the minutes of the meetings of all the authorities of the Vidyapeetha and of all the Committees and Sub-Committees appointed by any of these authorities;
5) To make arrangements for and supervise the examinations conducted by the Vidyapeetha;
6) To represent the institution deemed to be university in suits or proceedings by or against the Vidyapeetha, sign powers of attorney and perform pleadings or depute his/her representatives for this purpose;
7) To enter into agreement, sign documents and authenticate records on behalf of the Vidyapeetha;
8) To make arrangements to safeguard and maintain the buildings, gardens, office, canteen, cars and other vehicles, laboratories, libraries, reading rooms, equipment and other properties of the Vidyapeetha;
9) To perform such other duties as may be specified in the Rules or as may be assigned by the Board of Management or the Vice-Chancellor from time to time;
10) When the office of the Finance Officer is vacant or when the Finance Officer is by reason of illness, absence or any other cause unable to perform the duties of his office, if the Vice-Chancellor orders these shall be performed by the Registrar or by such person as the Vice-Chancellor may appoint for the purpose; and
11) To be the custodian of common seal and the movable and immovable property of the Vidyapeetha."

81. Rule 28 (i) clearly provides that the Registrar shall be a whole time salaried officer of the Vidyapeetha. Rule 28 (vi), which also is one of the duties of the Registrar, *inter alia*, provides "to issue notices convening meetings and the official correspondence of the authorities of the Vidyapeetha and all Committees and Sub-Committees appointed by any of those authorities". The Registrar has also to perform such other duties as may be specified in the rules or as may be assigned by the Board of Management or the Vice Chancellor from time to time, besides other duties.

82. There is nothing on record to show nor it is the case of the 2nd respondent that he issued any notice convening the meeting for implementing the order of this Court in discharge of his duties as the Registrar, though the Registrar is the Secretary of the Board of Management, as per composition of the Board of Management, if for implementing the Court's order, the Board of Management was to consider the case, as is the submission advanced.

83. Learned counsel for the 2nd respondent further submitted that the Registrar is merely a communication channel between the University and the outsiders and he himself does not have power to take any decision with respect to appointment of faculty. As such, the Registrar alone cannot be held liable. He further submitted that the 2nd respondent requested the Dean, Department of Education to comply with the interim order passed by this Court.

84. Nothing has been brought on record to substantiate such above defence taken in the affidavit dated 28.07.2022 and argued by the learned counsel for the 2nd respondent that he requested the Dean, Department of

Education to comply with the interim order. The document annexed with the affidavit dated 28.07.2022 (at page-22) on the strength of which it is argued that the 2nd respondent made request to the Dean Academic Affairs to comply with the interim order is only dated 22.07.2022, i.e., submitted recently, during the continuance of the present contempt proceedings, at a later stage, and annexed with the affidavit dated 28.07.2022.

85. Learned counsel for the 2nd respondent further submitted that after filing I.A.No.1 of 2018 in the contempt petition he came to know about the contempt proceedings and the orders of this Court and previously the 2nd respondent was not put to the notice about the order of this Court.

86. The aforesaid submission of the learned counsel for the 2nd respondent is misconceived. Writ Appeal No.553 of 2018 was filed by the University challenging the order dated 21.09.2017, through the 2nd respondent being the Registrar in charge of the University, which is an undisputed fact. It cannot be said that the 2nd respondent was not aware about the orders dated 21.09.2017, 19.02.2018 or the order passed in the writ appeal on 18.07.2018, by which the writ appeal was dismissed. The 2nd respondent was the Registrar in charge from 29.06.2018 and rendered service till 18.03.2020. Under these circumstances, the submission advanced that the 2nd respondent became aware about the order only after filing of I.A.No.1 of 2018 in the contempt petition is misconceived and contrary to records.

87. Nothing has been brought on record to substantiate as to what steps the 2nd respondent took towards ensuring the compliance of the Court's order

since after he joined as Registrar in charge and during his tenure as such, in spite of the fact that the writ appeal filed by the University through 2nd respondent was dismissed on 18.07.2018.

88. Learned counsel for the 2nd respondent placed reliance on the following judgments:

i) ***Gyani Chand v. State of A.P.***[4]

ii) ***Boggarapu Naveen Kumar v. B. Rajsekhar***[5]

iii) ***ESI Corpn. v. All India ITDC Employees' Union***[6]

iv) ***Mohamad Iqbal Khandy v. Abdul Majid Rather***[7]

v) ***M/s. Industrial Fuel Marketing Co. v. Union of India***[8]

vi) ***R.M.Ramaul v. The State of H.P.***[9]

vii) ***K. Arumugam v. V. Balakrishnan***[10]

viii) ***Dr.U.N.Bora v. Assam Roller Flour Mills Association***[11]

ix) ***Sode Ramulu v. K.L.V.Prasad***[12]

x) ***Kapildeo Prasad Sah v. State of Bihar***[13]

xi) ***Prof.Pannalal v. Holy Bharathi***[14]

xii) ***In Re S. Mulgaokar***[15]

xiii) ***Rama Narang v. Ramesh Narang***[16]

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[4] AIR 2016 SC 4403
[5] CC.Nos.673 & 686 of 2020 (decided on 19.04.2022, APHC)
[6] (2006) 4 SCC 257
[7] AIR 1994 SC 2252
[8] AIR 1985 Calcutta 143
[9] AIR 1991 SC 1171
[10] (2019) 18 SCC 150
[11] AIR 2021 SC 5360 = (2022) 1 SCC 101
[12] 2011 (6) ALT 119 (S.B)
[13] AIR 1999 SC 3215
[14] 2000 (6) ALT 430 (D.B)
[15] (1978) 3 SCC 339

xiv) ***Kanwar Singh Saini v. High Court of Delhi***[17]

xv) ***Debabrata Bandopadhyay v. The State of W.B***[18]

xvi) ***Jhareswar Prasad Paul v. Tarak Nath Ganguly***[19]

xvii) ***Murray & Co. v. Ashok KR.Newatia***[20]

xviii) ***K. Mallaiah v. Sandeep Kumar Sultania*** **(3 supra)**

xix) ***V. G. Govindaswami Mudali v. B. Subba Reddy***[21]

89. The Court proceeds to consider the aforesaid judgments in the light of the submissions advanced by the learned counsel for the 2nd respondent.

89.1. Learned counsel for the 2nd respondent has placed reliance in the case of ***Gyani Chand v. State of A.P.*** (supra) to submit that it is impossible for the 2nd respondent to comply with the order and in view of 'impossible to perform', he cannot be held guilty of disobedience.

89.1.1. In ***Gyani Chand*** (supra) the facts were that the appellant therein, to whom the original documents of his mother were handed over under the orders of the Court had given an undertaking that those documents would be produced before the Court when required. He handed over those documents to his mother who had right to retain the same, but she expired and it was his further case that in cyclone his house was partly hit and submerged in flood water and all the belongings were vanished. The documents were neither with the appellant nor could be produced by him before the Court as

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[16] AIR 2021 SC 721
[17] (2012) 4 SCC 307
[18] AIR 1969 SC 189
[19] (2002) 5 SCC 352
[20] (2000) 2 SCC 367
[21] (1986) 2 ALT 131

now it was impossible for him. It was in that context, it was held that there was no willful breach of undertaking given by the appellant for which he cannot be held guilty of Contempt of Court.

89.1.2. In the present case, it could not be argued by the learned counsel for the 2nd respondent as to how it was impossible for the 2nd respondent to comply with the Court's order by dong what was on his part, after dismissal of the writ appeal for convening meeting of the Board of Management for consideration of the petitioner's case by issuing notices, if it was for the Board of Management at all to consider.

89.2. In C.C.Nos.673 & 686 of 2020, decided on 19.04.2022, upon which also reliance has been placed, the petitioner therein did not possess requisite qualification being mandatory, this Court held that granting for promotion would be violative of rules, and therefore the failure to comply could not be said to be willful disobedience.

89.2.1. It is not the case of the 2nd respondent herein neither in the counter affidavit nor in the additional affidavit that the present petitioner lacked in requisite mandatory qualification and consequently considering him in terms of the order dated 21.09.2017 would be violative of any specified rule. In fact the petitioner was continuing as guest faculty teacher since 2014 and consequently, the failure on the part of the 2nd respondent to comply, on such a submission of qualification, cannot be defended on the strength of the judgment cited.

89.3. Learned counsel for the 2nd respondent further placed reliance in the case of ***ESI Corpn. v. All India ITDC Employees' Union*** (supra) to contend that in the order dated 21.09.2017 this Court directed to 'consider' and there was no positive direction.

89.3.1. In ***ESI Corpn.*** (supra), the Hon'ble Apex Court, considering the directions, given by the learned single Judge of the High Court, held that the High Court did not really give a positive direction and left the matter to be decided by the Corporation. The direction was to 'consider' and in that sense there was no positive direction. It was further held that when the Court directs the authority to consider, it requires the authority to apply its mind to the facts and circumstances and then take a decision thereon, in accordance with law. The Hon'ble Apex Court, further held that the High Court directs the authority to consider in different category of cases. Where the authority vested with the power to decide the matter fails to do so in spite of request, the person aggrieved approaches the High Court which in exercise of the power of judicial review directs the authority to consider and decide the matter. In such cases, while exercising the power of judicial review, the High Court directs consideration without examining the facts or the legal question involved and without recording any findings on the issues. It was further held that the High Court may also direct the authority 'to consider' afresh, where the authority had decided the matter without considering the relevant facts and circumstances, or by taking extraneous or irrelevant matters into consideration. In such cases also the High Court may not examine the validity or tenability of the claim on

merits but require the authority to do so. The Hon'ble Apex Court further held that where the High Court finds the decision making process erroneous and records its findings as to the manner in which the decision should be made and then directs the authority to 'consider' the matter, the authority will have to consider and decide the matter in the light of the findings or observations of the Court. But where the High Court without recording any findings, or without expressing any view, merely directs the authority to 'consider' the matter, the authority will have to consider the matter in accordance with law, with reference to the facts and circumstances of the case, its power not being circumscribed by any observations or findings of the Court.

89.3.2. Learned counsel for the 2nd respondent could not point out if in ***ESI Corpn.*** (supra) the Hon'ble Apex Court has also held that if the direction is given to consider, the authority is not to consider the case or that if direction to consider is preceded by the word 'may' the authority is vested with the discretion to choose to consider or not to consider at all.

89.3.3. In the present case, there was a positive direction to consider the petitioner's case in case of need, in accordance with law. And, once the plea taken in the counter affidavit for vacation of the interim order that there was no need or requirement was rejected in I.A.No.1 of 2017 by this Court on 19.02.2018 firstly, the petitioner's case could not be rejected on the same ground that there was no need or requirement and;

89.3.4. Secondly, after the order dated 19.02.2018 was confirmed in W.A.No.553 of 2018 by order dated 18.07.2018, also rejecting the ground of

the sanctioned post being for Scheduled Caste category, the 2nd respondent was to ensure compliance of the order dated 21.09.2017, but he did not take any step towards compliance and now the defence is being taken that because of the use of the word 'may' in the order dated 21.09.2017, it was not mandatory for the 2nd respondent to consider.

89.3.5. The judgment in ***ESI Corpn.*** (supra) does not support the contention of the learned counsel for the 2nd respondent and is of no help to the 2nd respondent.

89.4. Learned counsel for the 2nd respondent placed reliance in the case of ***Mohamad Iqbal Khandy v. Abdul Majid Rather*** (supra) to contend that when there are difficulties in implementing order or if the order is impossible for compliance, the contempt jurisdiction should not be invoked.

89.4.1. In ***Mohamad Iqbal Khandy*** (supra) the High Court granted interim order directing the State Government to grant *ad hoc* promotion to the post of Associate Professor. That was the interim direction and was the main prayer in the writ petition itself. In implementing the said order, there were inseparable difficulties. Under the relevant rules the promotion was required to be made by the Public Service Commission or by the Departmental Promotion Committee and that person also did not possess requisite qualifications/experience eligibility for promotion. The appellant therein could not be given promotion since it was to be done by the Public Service Commission or by the departmental promotion committee. Therefore, the implementation was impossible at the end of the appellant therein. Considering

the aforesaid inseparable difficulties in implementing the order and those difficulties being genuine, it was held that the Court must always be zealous in preserving its authority and dignity but at the same time it will be inadvisable to require compliance of an order impossible of compliance at the instance of the person proceeding against for contempt.

89.4.2. In ***Mohamad Iqbal Khandy*** (supra) the Hon'ble Apex Court clearly held that greater respect should have been shown to the Court and if he, the appellant therein, was aggrieved by the order, he should have taken prompt steps to invoke the appellate procedures. The appellant could not ignore the order and plead the difficulties for implementation at the time contempt proceedings are initiated.

89.4.3. In the present case, the University challenged the order by filing the vacate stay application which having been rejected, also filed writ appeal and the same also having been rejected, if it was still aggrieved, ought to have challenged those orders further, but not having done so, in the contempt proceedings cannot ignore the order and raise the same alleged difficulties, in defence, in implementing the order as were raised in I.A.No.1 of 2017 and W.A.No.553 of 2018, but were rejected by this Court, by orders dated 19.02.2018 and 18.07.2018 respectively. The judgment in ***Mohamad Iqbal Khandy*** (supra) is of no help to the 2nd respondent.

89.5. Learned counsel for the 2nd respondent placed reliance in the case of ***M/s. Industrial Fuel Marketing Co. v. Union of India*** (supra) to contend that when the order is incomplete and ambiguous the contempt is not

made out. This judgment is not on the point. This is a case under Mines and Minerals (Development and Regulation) Act, and on the point of territorial jurisdiction of the High Court under Article 226 of the Constitution of India.

89.6. In ***R.M.Ramaul v. The State of H.P.*** (supra) upon which reliance has been placed by the learned counsel for the 2nd respondent, the promotion was granted to the complainant therein from 28.05.1982 up to 03.09.1986 as a mere notional promotion without any monetary benefits, in spite of the specific directions in the order of the Court for restoration of the complainant's seniority in service over and above the two officers who were juniors to him. In the contempt petition, the Hon'ble Apex Court found that the grievance of the complainant was legitimate one and though there was no specific direction to consider the complainant's case for promotion with effect from 28.05.1982 such a relief was implicit in the reasoning of the order and withholding of the monetary benefits in respect of that period was inconsistent with what was decided by the Court, to which the complainant was entitled to. The Hon'ble Apex Court held that since there was no specific direction in that behalf in the order i.e., payment of monetary benefits, there may not be the case for punishment for contempt.

89.6.1. The aforesaid judgment is of no help to the 2nd respondent, as here there was specific direction to consider the petitioner's case and ground for non-considering the case was found to be not a valid ground and consequently the I.A.No.1 of 2017 was rejected and the W.A.No.553 of 2018 was also dismissed.

89.7. Learned counsel for the 2nd respondent placed reliance in the case of ***K. Arumugam v. V. Balakrishnan*** (supra) to contend that the Courts cannot traverse beyond four corners of the order under Contempt of Courts Act.

89.7.1. The Hon'ble Apex Court in this case held that in the contempt jurisdiction the Court has to confine itself to the four corners of the order alleged to have been disobeyed. The Court cannot travel beyond the four corners of the order which is alleged to have been flouted.

89.7.2. There is no dispute on the aforesaid proposition of law. In the said case, the order of the Court directed the authority to ensure fair and reasonable compensation to be sanctioned and paid at the earliest, which was paid and thus, the order of the Court was complied with, however, in the contempt petition, the learned single Judge issued positive direction to the authorities to pay further compensation @Rs.600/- per square feet. It was held that in the contempt jurisdiction the High Court had exceeded its jurisdiction by issuing directions which could not be issued as the Court had to confine itself to the four corners of the order alleged to have been disobeyed.

89.7.3. This Court would certainly not travel beyond the four corners of the order, dated 21.09.2017.

89.8. Learned counsel for the 2nd respondent further placed reliance in the case of ***Dr.U.N.Bora v. Assam Roller Flour Mills Association*** (supra) to contend that the contempt proceedings are quasi criminal in nature and the standard of proof required is beyond all reasonable doubt. It would be

hazardous to impose sentence for contempt in exercise of the contempt jurisdiction on mere probabilities as also to contend that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable. The effect and purport of the order is to be taken into consideration and the same must be read in its entirety.

89.8.1. There is no dispute on the aforesaid settled principle of law that if two interpretations are possible and if the action is not contumacious, a contempt proceeding would not be maintainable. The effect and purport of the order is to be taken into consideration and read in its entirety.

89.8.2. However, the learned counsel for the 2nd respondent could not submit as to what two interpretations of the order were possible and which of the two such possible interpretations, the 2nd respondent considered which one so as not to proceed to ensure compliance of the order dated 21.09.2017. Any such plea has also not been taken in the responses filed by the 2nd respondent. This Court clearly provided to consider the case of the petitioner in case of need, in accordance with law. So there was a positive direction to consider and any other view that the petitioner's case was not to be considered, in the decision of this Court, neither flows from the order nor even is a possible interpretation.

89.9. ***Sode Ramulu v. K.L.V.Prasad*** (supra) was cited to submit that when there is an error in understanding the judgment, it is not willful disobedience. He referred to paragaraphs-35, 39, 41 & 42 of the said judgment, to contend that if from the circumstances of a particular case, the

Court is satisfied that although there has been a disobedience, but the same is the result of compelling circumstances under which it was not possible for the contemner to comply with the order, the Court may not punish for contempt.

89.9.1. There may not be any dispute on the law as aforesaid, but what was an error in understanding the order of this Court, in the understanding of the 2nd respondent, is not explained neither in the counter affidavit dated 21.02.2019 nor in the additional affidavit dated 01.08.2022 filed by the 2nd respondent. No such plea has been taken by the 2nd respondent that there was an error in his understanding of the order dated 21.09.2017. The same has also not been explained by the learned counsel for the 2nd respondent during arguments. The judgment is therefore of no help nor the law laid down therein is applicable in the present case.

89.10. The case of ***Kapildeo Prasad Sah v. State of Bihar*** (supra) was cited to contend that for holding one having committed civil contempt it has to be shown that there has been willful disobedience and when there is clear violation of the Court's order.

89.10.1. There is no dispute on the proposition of law that it is only when there is violation of the Court's order and it is willful that there would be civil contempt.

89.11. Reliance has further been placed in ***Prof.Pannalal v. Holy Bharathi*** (supra) by the learned counsel for the 2nd respondent, to contend that if an order is passed, then it has to be challenged by way of fresh proceeding and to further contend that the Court cannot travel beyond the

scope of the order and grant fresh order in the exercise of the contempt jurisdiction, as also to contend that the order passed may or may not be true but the same could not be gone into in the contempt proceedings.

89.11.1. In ***Prof. Pannalal*** (supra) by the order passed in the contempt petition, the petitioner therein was granted relief of affiliation which was not claimed in the writ petition and was outside the scope of the pleadings as also was not granted by the writ Court. The said judgment is not applicable nor is on the point. In the exercise of contempt jurisdiction, this Court is not oblivious of its limitations and certainly would not be travelling beyond the scope of the order passed by the writ Court.

89.11.2. No doubt, if an order is passed making compliance with the final or interim order of the Writ court and the person is aggrieved from such order, he may take recourse to file appropriate proceedings, but at the same time, for the purposes of considering whether there is compliance with the Court's order or not, and the non-compliance or the disobedience, if any, is willful or not, the contempt jurisdiction of the Court cannot be said to be barred only because the order has been passed, which apparently may be an eyewash or/and in clear disobedience of the Court's order. An order may suffer from both infirmities, i.e., it may be illegal on merits and it may also be contemptuous for not complying with the Court's order and disobeying the same willfully. With respect to such order, this Court is of the view that, the person may approach in appropriate proceedings challenging such order and at the same time may also invoke the contempt jurisdiction. The order being

illegal and not sustainable, may be quashed and finding that the order is contemptuous, the punishment can also be imposed in contempt jurisdiction.

89.11.3. In the present case the 2nd respondent has not passed any order and consequently, the judgment in ***Prof. Pannalal*** (supra) does not help the 2nd respondent for this additional reason. The 2nd respondent has not taken any action for complying with this Court's order even after its knowledge and dismissal of the writ appeal filed by the University through the 2nd respondent.

89.12. Learned counsel for the 2nd respondent further placed reliance in the case of ***In Re S. Mulgaokar*** (supra) on the point of what constitutes contempt and how the Court should deal in contempt matters, in particular paragraph-27 of the judgment.

89.12.1. Paragraph-27 in ***In Re S. Mulgaokar*** (supra) is reproduced as under:

> "**27.** The *first* rule in this branch of contempt power is a wise economy of use by the Court of this branch of its jurisdiction. The Court will act with seriousness and severity where justice is jeopardized by a gross and/or unfounded attack on the Judges, where the attack is calculated to obstruct or destroy the judicial process. The Court is willing to ignore, by a majestic liberalism, trifling and venial offences — the dogs may bark, the caravan will pass. The Court will not be prompted to act as a result of an easy irritability. Much rather, it shall take a notice look at the conspectus of features and be guided by a constellation of constitutional and other considerations when it chooses to use, or desist from using, its power of contempt."

89.12.2. The first rule, as laid down in the branch of contempt power is a wise economy of use by the Court of its contempt jurisdiction. The Court will

act with seriousness and severity where justice is jeopardized. There is no dispute on such settled proposition of law.

89.13. Learned counsel for the 2nd respondent further placed reliance in the case of ***Rama Narang*** (supra) to contend that the contempt proceedings are quasi-criminal in nature, the standard of proof required is in the same manner as in other criminal cases. He has also referred the cases of ***Kanwar Singh Saini*** (supra) and ***Debabrata Bandopadhyay*** (supra) in support of his same contention that the contempt Court's proceedings are quasi-criminal in nature and the duty of the Court in dealing with the contempt matters, where the Court is both the accuser as well as the Judge of the accusation, it, behooves the Court to act with as great circumspection as possible, making all allowances for errors of judgment and difficulties arising from inveterate practices in Courts and Tribunals. It is only when a clear case of contumacious conduct not explainable otherwise, arises, that the contemner must be punished.

89.13.1. The proposition of law as in the aforesaid cited judgments is well settled on which there is no dispute. The only thing is of its application.

89.14. Learned counsel for the 2nd respondent has placed further reliance in the case of ***Jhareswar Prasad Paul*** (supra) to contend that the power is special and needs to be exercised with care and caution. It should be used sparingly by the Courts on being satisfied regarding the true effect of contemptuous conduct upon which also there is no dispute on principles.

89.15. Learned counsel for the 2nd respondent further placed reliance in the case of ***Murray & Co. v. Ashok KR.Newatia*** (supra) to contend that the conduct of the party should substantially interfere with the cause of justice, and that no generalized guidelines can be had nor can a set of general principles in the matter of award of punishment be formulated. The Court must otherwise come to the conclusion that on facts the act tantamount to obstruction of justice which, if allowed, would even permeate into society. It is only then that this power ought to be exercised.

89.15.1. In ***Murray & Co.*** (supra) the Hon'ble Apex Court in clear words also expressed its view that "this Court in our view, would be failing in its duties, if the matter in question is not dealt with in a manner proper and effective for maintenance of the majesty of courts as otherwise the law courts would lose their efficacy to the litigant public. It is in this perspective that we do feel it expedient to record that mere tendering of unconditional apology to this Court would not exonerate the contemner in the contextual facts."

89.15.2. In ***Murray & Co.*** (supra) the Hon'ble Apex Court held that Section 13 of the Act of 1971 postulates no punishment for contemptuous conduct in certain cases and the language used therein seems to be with utmost care and caution when it records that unless the Court is satisfied that the contempt is of such a nature that the act complained of substantially interferes with the due course of justice, the question of any punishment would not arise. It is not enough that there should be some technical contempt of Court but it must be shown that the act of contempt would otherwise

substantially interfere with the due course of justice which has been equated with "due administration of justice".

89.16. In ***K. Mallaiah v. Sandeep Kumar Sultania*** (supra) upon which also reliance has been placed by the learned counsel for the 2nd respondent, in particular paragraph-36, the High Court of Judicature at Hyderabad held that if a party who is fully in the know of the order of the Court, or is conscious and aware of the consequences and implications of the Court's order, ignores it or acts in violation thereof, it must be held that the disobedience is willful. It may not be possible to prove the actual intention behind the act or omission. A Court can approach the question only objectively, and it may presume the intention from the act done as every man is presumed to intend the probable consequence of his act. To establish contempt of court, it is sufficient to prove that the conduct was willful and that the contemnor knew of all the facts which made it a breach of the order. It is not necessary to prove that he appreciated that it did breach the order.

89.17. In ***V. G. Govindaswami Mudali v. B. Subba Reddy*** (supra) upon which also reliance is placed by the learned counsel for the 2nd respondent the High Court of Andhra Pradesh held that for the purposes of judging 'civil contempt' intention or *mens rea* is not relevant. The question is only whether the breach was on account of willful disobedience i.e., whether it was not casual or accidental and unintentional.

90. In ***Kapildeo Prasad Sah*** (supra), the Hon'ble Apex Court held that even negligence and carelessness can amount to disobedience, particularly when attention of the person is drawn to the Court's orders and its implication.

91. It is also apt to refer para-36 of the judgment in ***K. Malaiah*** (supra) as under:

> "36. If a party who is fully in the know of the order of the Court, or is conscious and aware of the consequences and implications of the Court's order, ignores it or acts in violation thereof, it must be held that the disobedience is wilful. It may not be possible to prove the actual intention behind the act or omission. A Court can approach the question only objectively, and it may presume the intention from the act done as every man is presumed to intend the probable consequence of his act. (N.S. Kanwar). To establish contempt of court, it is sufficient to prove that the conduct was willful and that the contemnor knew of all the facts which made it a breach of the order. It is not necessary to prove that he appreciated that it did breach the order. (*St. Helens Ltd.* v. *Transport & General Workers Union*; *Adam Phones Ltd.* v. *Goldschmidt* 1999 4 ALLER 486). While the jurisdiction exercised in cases of contempt is quasi-criminal in nature and the court must be satisfied, on the material before it, that contempt of court was in fact committed, such satisfaction may be derived from the circumstances of the case. (*Ram Autar Shukla* v. *Arvind Shukla*; *Bank of India* v. *Vijay Transport* 2000 8 SCC 512). For the purposes of judging 'civil contempt', intention or mens rea is not relevant. The question is only whether the breach was on account of willful disobedience i.e, whether it was not casual or accidental and unintentional. (*V.C. Govindaswami Mudali* v. *B. Subba Reddy* 1986 2 ALT 131)."

92. From the aforesaid judgments, it is very much clear that even where the Court's order is ignored a case of civil contempt is made out if the party fully knew of the order of the court and was conscious thereof. Even

negligence and carelessness can amount to disobedience, particularly when attention of the person is drawn to the Court's order. It is not necessary to prove that he appreciated that it did breach the order.

93. It is not the case of the 2nd respondent that he did not know the order or was not conscious and aware of the consequences. The fact is that the 2nd respondent is aware of the order as the appeal was filed by the University through the 2nd respondent and the order of dismissal of the writ appeal was passed when the 2nd respondent was still in charge of the Registrar of the University. He ignored the compliance of the order.

94. In the facts and circumstances of the case on record, it is held that the ignorance of the compliance of the order and not complying and disobeying the order by the 2nd respondent is nothing but willful and deliberate disobedience.

95. This Court is satisfied with the material before it that there is willful disobedience of the order dated 21.09.2017 in spite of rejection of the application for vacation of the interim order and dismissal of the writ appeal. The 2nd respondent is guilty of willful disobedience of the order dated 21.09.2017.

96. The charge against the 2nd respondent as framed is held proved.

Apology:

97. The respondents 1 and 2 have tendered apology.

98. In ***Arun Kumar Yadav v. State of U.P.***[22] though it was a case of criminal contempt against a lawyer, the Hon'ble Apex Court held that no one has the authority to conduct in a manner which would demean and disgrace the majesty of justice which is dispensed by a Court of law. The administration of justice is the paramount role of the Court. It was further held that the apology should be prompt and genuine. The concept of mercy and compassion is ordinarily attracted keeping in view the infirmities of the man's nature and the fragile conduct, but in a Court of law a counsel cannot always take the shelter under the canopy of mercy for the law has to reign supreme.

99. In ***Arun Kumar Yadav*** (supra) the Hon'ble Apex Court referred to the judgment of ***L.D.Jaikwal v. State of U.P***[23] in which it was observed that "We do not think that merely because the appellant has tendered his apology we should set aside the sentence and allow him to go unpunished, otherwise, all that a person wanting to intimidate a Judge by making the grossest imputations against him has to do, is to go ahead and scandalize him, and later on tender a formal empty apology which costs him practically nothing. If such an apology were to be accepted, as a rule, and not as an exception, we would in fact be virtually issuing a 'licence' to scandalize Courts and commit contempt of Court with impunity".

100. In ***All Bengal Excise Licensees' Assn. v. Raghabendra Singh***[24] the Hon'ble Apex Court held that it is settled law that a party to the

[22] (2013) 14 SCC 127
[23] (1984) 3 SCC 405
[24] (2007) 11 SCC 374

litigation cannot be allowed to take an unfair advantage by committing breach of an interim order and escape the consequences thereof by pleading misunderstanding. It was further observed that "under the constitutional scheme of this countery orders of the High Court have to be obeyed implicitly and the orders of this Court – for that matter any Court should not be trifled with". In that case it was found that the respondents therein acted deliberately to subvert the orders of the High Court. The Hon'ble Apex Court observed that "it is equally necessary to erase an impression which appears to be gaining ground that the mantra of unconditional apology is a complete answer to violations and infractions of the orders of the High Court or of this Court."

101. It is also apt to refer the case of ***Bal Kishan Giri v. State of U.P.***[25] in which the Hon'ble Apex Court held, in paras-13 to 17, as under:

> **"13.** In *Asharam M. Jain* v. *A.T. Gupta* [(1983) 4 SCC 125 : 1983 SCC (Cri) 771] , while dealing with the issue, this Court observed as under : (SCC p. 127, para 3)
>
> "3. … The strains and mortification of litigation cannot be allowed to lead litigants to tarnish, terrorise and destroy the system of administration of justice by vilification of Judges. It is not that Judges need be protected; Judges may well take care of themselves. **It is the right and interest of the public in the due administration of justice that has to be protected**."
>
> **14.** In *Jennison* v. *Baker* [(1972) 2 QB 52 : (1972) 2 WLR 429 : (1972) 1 All ER 997 (CA)] , All ER p. 1006*d*, it was observed : (QB p. 66 H)
>
> "… '**The law should not be seen to sit by limply, while those who defy it go free, and those who seek its protection lose hope.**'"
>
> **15.** The appellant has tendered an absolute and unconditional apology which has not been accepted by the High Court. The apology means a regretful

[25] (2014) 7 SCC 280

acknowledgment or an excuse for failure. An explanation offered to a person affected by one's action that no offence was intended, coupled with the expression of regret for any that may have been given. Apology should be unquestionable in sincerity. It should be tempered with a sense of genuine remorse and repentance, and not a calculated strategy to avoid punishment.

16. Sub-section (1) of Section 12 of the Act and the Explanation attached thereto enables the court to remit the punishment awarded for committing the contempt of court on an apology being made to the satisfaction of the court. However, an apology should not be rejected merely on the ground that it is qualified or tendered at a belated stage if the accused makes it *bona fide*. A conduct which abuses and makes a mockery of the judicial process of the court is to be dealt with iron hands and no person can tinker with it to prevent, prejudice, obstruct or interfere with the administration of justice. There can be cases where the wisdom of rendering an apology dawns upon only at a later stage. Undoubtedly, an apology cannot be a defence, a justification, or an appropriate punishment for an act which tantamounts to contempt of court. An apology can be accepted in case where the conduct for which the apology is given is such that it can be "ignored without compromising the dignity of the court", or it is intended to be the evidence of real contrition. It should be sincere. Apology cannot be accepted in case it is hollow; there is no remorse; no regret; no repentance, or if it is only a device to escape the rigour of the law. Such an apology can merely be termed as "paper apology".

17. In *L.D. Jaikwal* v. *State of U.P.* [(1984) 3 SCC 405 : 1984 SCC (Cri) 421] , **this Court noted that it cannot subscribe to the "slap-say sorry-and forget" school of thought in administration of contempt jurisprudence. Saying "sorry" does not make the slapper poorer.** [See also *T.N. Godavarman Thirumulpad (102)* v. *Ashok Khot* [(2006) 5 SCC 1 : AIR 2006 SC 2007] .] So an apology should not be "paper apology" and expression of sorrow should come from the heart and not from the pen; for it is one thing to "say" sorry, it is another to "feel" sorry."

102. In ***Bal Kishan Giri*** (supra) the Hon'ble Apex Court held that a conduct which abuses and makes a mockery of the judicial process of the Court is to be dealt with iron hands and no person can tinker with it to prevent, prejudice, obstruct or interfere with the administration of justice. An apology tendered is not to be accepted as a matter of course by the Court.

103. The present is not a case of accidental or unintentional disobedience. The 1st respondent and the 2nd respondent acted deliberately to subvert the order of this Court. Their act is contumacious. The apology tendered by the respondents in the facts of the case is considered not *bona fide*. The apology tendered is rejected.

104. The compliance with the interim order, on 12.08.2022 after more than 4 years, by the present authorities of the University, is no answer to the willful disobedience of the order, by the respondents 1 and 2.

105. The Hon'ble Apex Court in ***Jhareswar Prasad Paul*** (supra) held that the purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. It was further held that the Contempt of Courts Act, 1971 has been introduced under the statute for the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution

in the Courts of record and also under the statute. The power is special and needs to be exercised with care and caution.

106. In ***Kapildeo Prasad Sah*** (supra) the Hon'ble Apex court held that the disobedience of Court's order strikes at the very root of rule of law on which our system of governance is based. Power to punish for contempt is necessary for the maintenance of effective legal system. It is exercised to prevent perversion of the course of justice.

107. The Hon'ble Apex Court referred to the famous passage of *Lord Diplock* in *Attorney General v. Times Newspapers Ltd.* {(1973) 3 ALL ER 54} in which it was said that there is also an element of public policy in punishing civil contempt, since administration of justice would be undermined if the order of any Court of law could be disregarded with impunity. Jurisdiction to punish for contempt exists to provide ultimate sanction against the person who refuses to comply with the order of the Court or disregards the orders.

Conclusions:

108. The charges against the respondents 1 and 2 have been proved. They have been held guilty of committing civil contempt of the Court. Their apology has been rejected. Their acts substantially interfere with the due course of justice or due administration of justice. By their acts the petitioner was prevented from justice by not complying with the order dated 27.09.2017 in spite of rejection of petition for vacation of the order and the dismissal of the writ appeal. The respondents are liable for imposition of punishment. Under the facts and circumstances, mere imposition of fine will not meet the ends of

justice. Sentence of imprisonment is necessary. However, considering the present age of the respondents being 68 and 65 years respectively, the Court is taking a lenient view in imposition of sentence of imprisonment.

Punishment:

109. Consequently, this Court imposes the following punishment on the respondents 1 and 2 under Section 12 of the Contempt of Court Act 1971;

i. The 1st respondent shall undergo sentence of simple imprisonment for 2 days and shall pay fine of Rs.2,000/- (Rupees two thousand only);

ii. The 2nd respondent shall undergo sentence of simple imprisonment for 2 days and shall pay fine of Rs.2,000/- (Rupees two thousand only);

110. The respondents 1 and 2 shall be detained in a civil prison for the period the sentence of simple imprisonment is imposed.

111. The execution of the punishment, however, shall remain suspended for a period of 30 days from today.

112. It is further directed that subject to the orders in the appeal, if so filed, on expiry of the aforesaid period, the respondents 1 and 2 shall surrender before the Principal Senior Civil Judge-cum-Chief Judicial Magistrate, Chittoor to serve the sentence, and if they do not so surrender, the Principal Senior Civil Judge-cum-Chief Judicial Magistrate, Chittoor shall secure their custody and send them to civil prison to serve out the sentence.

113. If the fine is not deposited, the proceedings for recovery of fine shall be taken as per the provisions of Section 421 of the Code of Criminal Procedure, 1973.

114. Learned Registrar General of this Court shall ensure compliance and place on record the report of compliance

115. Let copy of this order be sent to the Principal Senior Civil Judge-cum-Chief Judicial Magistrate, Chittoor along with the particulars of the respondents 1 and 2.

116. Contempt case is allowed as aforesaid.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

Date: 07.02.2023
Dsr

Note:
L.R.Copy to be marked
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Note:
Furnish copy today itself
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