



2026:AHC:53624

HIGH COURT OF JUDICATURE AT ALLAHABAD
CONTEMPT APPLICATION (CIVIL) No. - 1639 of 2026

Madhavi Singh

.....Applicant(s)

Versus

Dr. Chandra Prakash Chief Medical Officer
Kushinagar And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Kumar Kushwaha, Nitin Chandra

Counsel for Opposite Party(s) :

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. The writ Court, on 12.11.2025, in Writ-A No.16884 of 2025 had passed the following order:-

"1. Heard Sri Nitin Chandra Mishra, learned counsel for the petitioner and Sri Jitendra Prasad, learned Standing Counsel, who appears for State-respondents.

2. The grievance of the writ petitioner is that his father, Sri Madhav Murari Singh who was working as the Chief Pharmacist died-in-harness on 23.07.2018 and on the same date, petitioner's two brothers and mother also died. At that time, writ petitioner was minor and after attaining the age of majority in the year 2023, he stake his claim for compassionate appointment. However, according to the writ petitioner, there happens to a correspondence with respect to the statement of providing all inputs in that regard.

3. Prayer in the present petition is for a direction to the respondents to offer compassionate appointment to the writ petitioner and consequent joining.

4. Learned Standing Counsel submits that whatever might be, it is for the writ petitioner to take a call and the writ petitioner may approach the second respondent, Chief Medical Officer, Kushinagar.

5. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

6. Considering the submissions of the rival parties as well as stand taken

by them, the writ petition is being disposed off granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, Chief Medical Officer, Kushinagar, who shall on the receipt of the same proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order, bearing in mind suitability, eligibility and competing claims.

7. As regards the dues are concerned, it is open for the writ petitioner to stake his claims and the respondents are enjoined to decide the same within same time period."

2. From perusal of the aforesaid order, it is clear that a liberty was given to the applicant to make his claim through a representation before the authorities concerned which was to take a final call on the said representation.

3. This Court finds that Section 2(b) of the Contempt of Courts Act defines civil contempt, which is as under:-

"2. (b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;"

4. The Apex Court in **Dr. U.N. Bora, Ex. Chief Executive Officer and others Vs. Assam Roller Flour Mills Association and another 2022 (1) SCC 101** has held that under the contempt jurisdiction, the Court is not expected to conduct a roving inquiry and proceed to decide an issue which has not been dealt with or decided by the Court of first instance, whose order is said to have been flouted. Relevant para 8 of the judgment is extracted hereas under:

"8. We are dealing with a civil contempt. The Contempt of Courts Act, 1971 explains a civil contempt to mean a willful disobedience of a decision of the Court. Therefore, what is relevant is the "willful" disobedience. Knowledge acquires substantial importance qua a contempt order. Merely because a subordinate official acted in disregard of an order passed by the Court, a liability cannot be fastened on a higher official in the absence of knowledge. When two views are possible, the element of willfulness vanishes as it involves a mental element. It is a deliberate, conscious and intentional act. What is required is a proof beyond reasonable doubt since the

proceedings are quasi-criminal in nature. Similarly, when a distinct mechanism is provided and that too, in the same judgment alleged to have been violated, a party has to exhaust the same before approaching the court in exercise of its jurisdiction under the Contempt of Courts Act, 1971. It is well open to the said party to contend that the benefit of the order passed has not been actually given, through separate proceedings while seeking appropriate relief but certainly not by way of a contempt proceeding. While dealing with a contempt petition, the Court is not expected to conduct a roving inquiry and go beyond the very judgment which was allegedly violated. The said principle has to be applied with more vigor when disputed questions of facts are involved and they were raised earlier but consciously not dealt with by creating a specific forum to decide the original proceedings."

5. From perusal of the order passed by the writ Court, I find that there is no adjudication by the writ Court and the applicant was directed to approach the authorities concerned by making a representation whereby the authorities were to take a final call.
6. No case for contempt is made out.
7. Contempt application is misconceived and the same stands dismissed.

(Rohit Ranjan Agarwal,J.)

March 17, 2026
SK Goswami