



2026:AHC:60078-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 321 of 2026

Rampravesh Yadav

.....Appellant(s)

Versus

Shri Kumar Prashant, Director, Social Welfare and
3 others

.....Respondent(s)

Counsel for Appellant(s)	:	Vidya Dhar Yadav, Kamala Kant
Counsel for Respondent(s)	:	Ankit Gaur (S.C.)

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 is directed against order dated 02.02.2026 passed in Contempt Application (Civil) No. 4148 of 2025, whereby the learned Single Judge came to the conclusion that no case for contempt is made out and consequently, finding the application as misconceived, dismissed the same.
2. The appellant had filed Writ-A No. 12418 o 2023, which came to be disposed of by learned Single Judge on 29.04.2025 in terms of order passed in **Ramprit Rajbhar Vs. State of U.P. and others** : 2025:AHC:66493.
3. In the case of **Ramprit Rajbhar** (supra), another Single Judge had remitted back the matter to concerned respondents to pass a fresh order in accordance with law and on the basis of observations made in the order within 08 weeks from the date of passing of the order.
4. The contempt petition was filed with the allegations that pursuant to the order passed by learned Single Judge, the appellant filed a detailed representation dated 12.05.2025 through registered post, which was not decided till the filing of the contempt petition deliberately and the appellant has not been paid arrears of trained pay scale and salary of trained pay scale and was paid salary of untrained for the month of May 2025 which was in violation of the directions issued by the learned Single Judge.

5. During the pendency of the contempt petition, order dated 11.12.2025 came to be passed by the Court, wherein the Standing Counsel assured that pay scale decided by order dated 17.07.2025 would be transferred in the account of the appellant within a month, based on which the Court directed that in case the admitted amount, to which the appellant is entitled, is not transferred in the account of the appellant, all the opposite parties shall appear in person before the Court on the next date.

6. On the next date, a discharge and exemption application was filed *inter alia* with the submissions that an enquiry report dated 13.05.2025 has been sent to the Directorate in which it has been reported that records relating to appointment of 25 Assistant Teachers along with the appellant are not available in the office of the District Basic Education Officer, Azamgarh and approval of their appointment was not found in the records of District Basic Education Officer.

7. It was further indicated that based on the non-availability of the appointment and approval, the salary of the appellant was directed to be withheld and an FIR has also been lodged against him. It was also contended that as the appointment of the appellant was forged, a show cause notice dated 19.08.2025 has been issued which has not been replied and therefore, the appellant was not entitled to claim any salary and it was prayed that the notices issued be discharged.

8. When the matter came up before the Court, the learned Single Judge, by the order impugned, came to the conclusion that the appellant has failed to demonstrate anything to show that contempt is made out and that the Court cannot go into the merit of the case and record any finding and consequently, dismissed the contempt petition.

9. Learned Standing Counsel raised a preliminary objection that the special appeal is not maintainable. Submissions were made that the learned Single Judge has not decided any aspect dealing with the merit of the case and as such, in view of judgment of Hon'ble Supreme Court in **Midnapore Peoples' Coop. Bank Ltd. and others Vs. Chunilal Nanda and others** : (2006) 5 SCC 399, followed by this Court in **Subhash Chandra Vs. Srikant Goswami and 2 others** : 2024:AHC-LKO:58884-DB, the special appeal is not maintainable.

10. Learned counsel for the appellant contested the submissions. It was submitted that during pendency of the contempt petition, assurance was given that the salary would be paid, however, as the said assurance has not been fulfilled, in view of the observations made by Hon'ble Supreme Court in **Balwantbhai Somabhai Bhandari Vs. Hiralal Somabhai Contractor** : AIR 2023 SC 4390, the said wilful breach of the assurance itself would amount to civil contempt and therefore, the order passed by learned Single Judge requires interference.

11. It was further contended that against the order passed for recovery, a writ petition has been filed and against the FIR lodged also, writ petition has been filed which are pending consideration before this Court.

12. We have considered the submissions made by learned counsel for the parties and have perused the material available on record.

13. Hon'ble Supreme Court in the case of **Midnapore Peoples' Coop. Bank Ltd.** (supra), *inter alia* laid down as under:

"11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus:

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of “jurisdiction to punish for contempt” and, therefore, not appealable under Section 19 of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly."

(emphasis supplied)

14. While following the said judgment, it was observed by the Division Bench in **Subhash Chandra** (supra) as under:

"69. The pith and substance of the aforesaid discussion, the legal principles involved and circumstances when an appeal may lie under Section 19 of the Contempt of Courts Act, 1971 and when a Special Appeal may lie from an order passed in contempt jurisdiction can be summarized as under:-

(A) Section 19(1) of the Contempt of Courts Act can be invoked only when the Contempt Court has exercised its jurisdiction to punish for contempt. The essence of this provision is to provide a remedy against decision where the court has taken a definitive action to penalize a contemnor. This includes orders that impose fines, imprisonment, or other punitive measures directly related to the contemptuous behavior. Interlocutory orders, which do not entail punishment for contempt, do not fall within the ambit of Section 19. Such orders may include directions to produce documents, file affidavits, or procedural directives necessary for the continuation of the contempt proceedings. These are routine judicial actions that facilitate the progress of the case but do not constitute a final determination on the issue of

contempt. Routine orders passed during the pendency of contempt proceedings are also excluded from the scope of Section 19. These orders are typically procedural and administrative in nature, ensuring that the proceedings move forward without addressing the substantive issues of the original case or the merits of the contempt.

(B) The crux of the matter lies in the nuanced interpretation of what constitutes "merit" within the context of contempt proceedings, as referenced by the Supreme Court in the Midnapore Peoples Cooperative Bank Limited case. The term "merit" has not been defined in a straight jacket formula, leading to varying interpretations. However, a cumulative reading of the judgments provide clarity on several key aspects. In the Midnapore case, the Supreme Court held that in contempt proceedings, it is inappropriate to adjudicate or decide any issue related to the merits of the dispute between the parties. This principle aims to ensure that contempt proceedings do not encroach upon the substantive rights of the parties involved in the original dispute. The focus of contempt jurisdiction is to uphold the dignity and authority of the court, not to resolve the underlying dispute. The term "merit" in this context refers to the substantive issues of the original case that led to the contempt proceedings. It encompasses the core legal and factual questions that were or are being contested in the original litigation.

(C) Special appeals from the order or judgment of a single judge bench in contempt cases hinge on the distinction between addressing the merits of the original dispute and the conduct constituting contempt. The primary responsibility of the Contempt Court is to determine whether contempt has occurred and to impose appropriate sanctions if it has. The merits of the original controversy are outside the domain of the contempt court. However, when the Contempt Court issues directions or discusses the merits of the original controversy, it oversteps its jurisdiction. In such cases, a special appeal would lie to the High Court. This ensures that the original substantive issues are not inadvertently decided within the limited scope of contempt proceedings, preserving the parties' rights to a fair adjudication of their dispute.

(D) The interpretation of each case depends on its specific facts and circumstances. Courts must carefully distinguish between orders that address the procedural aspects of

contempt proceedings and those that encroach upon the substantive issues of the original case. This distinction is crucial to maintaining the integrity of contempt jurisdiction and ensuring that appeals under Section 19 of the Act of 1971 are appropriately limited to cases where punitive action for contempt has been taken. Thus, Special appeals in contempt cases are warranted only when the Contempt Court oversteps its jurisdiction by addressing the merits of the original dispute, ensuring that the substantive rights of the parties are protected. The interpretation of each case must consider the specific facts and circumstances to uphold the integrity of contempt jurisdiction and provide appropriate remedies for aggrieved parties."

15. A perusal of the order passed in the cases of **Midnapore Peoples' Coop. Bank Ltd.** (supra) and **Subhash Chandra** (supra), would reveal that the special appeals in contempt cases are warranted only when the Contempt Court oversteps its jurisdiction by addressing the merits of the original dispute else, against rejection of a contempt petition simpliciter, the appeal does not lie.

16. In the present matter, the learned Single Judge has only observed as under:

"7. I have heard learned counsel for the applicant as well as learned Standing Counsel for the State.

8. From perusal of the order passed in case of Ramprit Rajbhar (supra), it is clear that matter was remitted back to authorities to consider the same afresh. The writ petition filed by applicant was disposed of in terms of the order passed in Ramprit Rajbhar (supra), thus, it is clear that the matter was remitted back to authorities to revisit the same in view of decision rendered in case of Ramprit Rajbhar (supra). The applicant is not able to demonstrate anything as to how any contempt is made out against opposite party in view of Section 2(b) of Contempt of Courts Act.

9. This Court finds that there is no wilful disobedience in the matter and it is a court of execution and not of adjudication. This Court while dealing with contempt matters under Section 12 of Contempt of Courts Act, 1971 cannot adjudicate any matter. It is the courts who are dealing with adjudication of the matter can only go into merits of the case and record any finding. In contempt proceedings, only the order passed has to be executed.

10. This Court finds that there is no wilful disobedience on part of opposite party as the matter has been remitted back for reconsideration.

11. No case for contempt is made out.

12. The contempt application is misconceived and stands dismissed."

17. From the above, it is apparent that the learned Single Judge has not touched the merits of the dispute between the parties and found that there is no wilful disobedience on part of the opposite party.

18. So far as the plea raised pertaining to non-fulfillment of the assurance before the Court is concerned, on the said assurance, the Court has passed a conditional order either to fulfill the assurance or the officers were required to remain present. The officers remained present and filed affidavit giving out explanation, pursuant to which the order impugned was passed. The assurance as recorded by learned Single Judge as noticed, which was conditional, cannot by itself, amount to any determination independent of the original order passed in the writ petition and therefore, cannot constitute contempt independent from the main matter.

19. In view of above discussion, in view of the pronouncement of Hon'ble Supreme Court in the case of **Midnapore Peoples' Coop. Bank Ltd.** (supra) as followed in the case of **Subhash Chandra** (supra), the present appeal is not maintainable. The same is therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

March 23, 2026

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