

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Writ Contempt No. 406/2019

Khama Ram Vishnoi

----Petitioner

Versus

Ayub Khan

----Respondent

Connected With

S.B. Writ Contempt No. 393/2019

Prem Chand Mehta

----Petitioner

Versus

Ayub Khan

----Respondent

S.B. Writ Contempt No. 468/2019

Narendra Surana

----Petitioner

Versus

Shri Ayub Khan

----Respondent

For Petitioner(s)	:	Mr. Manoj Bhandari
For Respondent(s)	:	Mr. Mukesh Rajpurohit Ms. Chachal Verma, respondent- contemnor present in person.

JUSTICE DINESH MEHTA
Order

27/08/2021

1. It is a matter of great concern that inspite of making serious observations by the Court on more than one occasions, the respondents have hardly done anything to comply with the order of this Court passed way back on 8.10.2018, knowing it fully well that the same has been affirmed by the Division Bench (vide its judgment dated 7.8.2019) so also by Hon'ble the Supreme Court (order dated 18.8.2020).

2. Mr. Mukesh Rajpurohit, learned counsel appearing for the respondent-University in presence of the respondent submits that as per the MOU dated 19.5.2006 executed between the respondent-University and the State Government, the respondent-University cannot at its own regularize the services of the petitioners inasmuch as regularization requires sanction of new post, which is still awaiting approval of the State Government.
3. While informing that a meeting is scheduled on 31.8.2021 under the Chairmanship of Secretary Higher Education for the above purpose, learned counsel for the contemnors prays that three weeks' time be granted for doing the needful.
4. It is not in dispute that the syndicate had already recommended in favour of the petitioners on 5.7.2005, in light whereof, this Court has already ordered regularization; hence in the opinion of this Court, the MOU executed between the respondent-University and the State on 19.5.2006 cannot be an impediment in passing appropriate order of regularization and due payment to the petitioners.
5. About three years have passed since this Court had ordered for regularization, yet the compliance has not been made.
6. Be that as it may. Having regard to the assurance given by the respondent-contemnor that endeavour shall be made to comply with the order in its letter and spirit before the next date of hearing, the matter is adjourned to 17.9.2021.
7. A copy of this order be sent to the Secretary, Higher Education of the State of Rajasthan forthwith for necessary action.

8. If the needful is not done by the next date, it will be required of the Secretary, Higher Education to file his own affidavit indicating the reasons for which, due compliance of the order under consideration could not be made.
9. List this case on 17.9.2021.

(DINESH MEHTA),J

35-CPGoyal/-

RAJASTHAN HIGH COURT



सत्यमेव जयते