

MCC No. 1365/2018 (Recall Application)  
CLMA No. 2480/2018 (Delay Condonation Application in  
Compliance Affidavit)  
IA No. 7401/2018 (Urgency Application)  
IA No. 10538/2018 (Urgency Application)  
In  
CLCON No. 567 of 2017

**Hon'ble Sharad Kumar Sharma, J.**

Mr. Vinay Kumar, Advocate for the applicant.

Mr. H.M. Raturi, Deputy Advocate General for the State of Uttarakhand.

The present Contempt Petition is listed on number of applications. The first application, which is listed today is miscellaneous application being MCC No. 1365/2018, whereby, the applicant has sought recall of the order dated 13.09.2018 passed by the Coordinate Bench of this Court, by virtue of which the Contempt Petition has been disposed of.

The reason for recall as pleaded in the application is that the manner in which the disposal of the Contempt Petition was made based on the compliance affidavit filed by the respondent, as a matter of fact, it was not a compliance because the judgment of the learned Single Judge, which has been affirmed by the Division Bench with the slight modification has not been complied with in its letter and spirit and, thus, a recall has been sought for of the judgment dated 13.09.2018.

For the reason and purpose of seeking recall of the order, he submits that the advertisement referred to in the compliance affidavit, since has not included within it inviting applications of those candidates, who were having B.Ed. qualification and since the advertisement did not include the B.Ed. decree holders and was not an advertisement in relation to all the vacancies, which was the subject matter of controversy in the Writ

Petition, the compliance affidavit ought not to have been taken as to be the compliance affidavit and the Contempt Petition deserved to be decided on merits.

Considering the grounds taken in the recall application, this Court is satisfied that the Contempt Petition requires a consideration on its merit. Hence, recall application is allowed. The order dated 13.09.2018 is recalled and the Contempt Petition is restored to its original number.

The delay condonation application filed in support of the compliance affidavit is allowed. Compliance affidavit is taken on record.

Urgency Applications listed today would too stand disposed of with the direction that this Contempt Petition may be listed along with WPSS No. 182/2018 in the second week of January, 2019.

**(Sharad Kumar Sharma, J.)**  
06.12.2018