

It is to be noticeable that Hon'ble Supreme Court while laying down the law that in contempt jurisdiction no positive mandatory direction can be issued outside the scope of the order which is being alleged to have been violated by the authorities has elaborately observed therein that the purpose of contempt jurisdiction is to uphold majesty and dignity of the courts of law. It has further been observed that the Contempt of Courts Act has been introduced for the purposes⁸⁰ of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. Hon'ble Supreme Court has further held that it is to be kept in mind that the Court while exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties and thus, Contempt Court is not entitled to enter into questions which have not been dealt with¹⁶⁰ and decided in the judgment or order, violation of which is alleged. The ratio of the said judgment of Hon'ble Supreme Court in the case of Rakesh Prasad is not being disputed by the learned counsel appearing for the respondents and in my opinion as well, it cannot be disputed. It is not in dispute that the Contempt Court cannot grant any substantive relief or issue any direction in respect of the same without proper adjudication of the dispute. If²⁴⁰ any such mandatory direction is issued which is outside the scope of the order or judgment which is said to have been violated such a direction would be without jurisdiction and would not be binding. Having observed as above what needs to be considered in the facts and circumstances of the case is as to whether the direction issued by the Hon'ble Contempt Judge in the order dated 09.04.2012 directing the Basic Education Officer, Ambedkar Nagar to continue with single³²⁰ hand operation of the salary account can be termed to be a direction without jurisdiction adjudicating upon an issue or it would be construed only to be a direction issued in the aid of the High Court for ensuring compliance of its order dated 14.12.2011. At the cost of repetition, it may be observed that even after passing of the order on 26.03.2012 directing therein single hand operation of the salary account, payment of salary to the teaching and non⁴⁰⁰-teaching staff could not be ensured and in fact a dispute arose during the Court proceedings before Hon'ble Contempt Judge on 09.04.2012 when the cheque as presented by the Basic Education Officer was returned back to him noticing the dispute between two Managers. In such a situation, I am of the considered opinion that the direction issued by Hon'ble Contempt Judge for continuance of the single hand operation of the salary account in the order dated 09.04.2012 was not a direction issued by the Court on its own.⁴⁸⁸