



2026:PHHC:014058

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCp-5325-2025

Reserved on: 15.01.2026

Pronounced on: 31.01.2026

Jhulka College of Pharmacy and Health Sciences

... Petitioner

Versus

Moneesh Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate, with
Ms. Suverna Mutneja, Advocate, and
Mr. Viranjeet Singh Mahal, Advocate,
for the petitioner.

Dr. Puneet Kaur Sekhon, Senior Advocate, with
Ms. Dilpreet kaur, Advocate,
for the respondents.

VIKRAM AGGARWAL, J.

The instant contempt petition has been instituted under Sections 10 and 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the 1971 Act'), alleging willful disobedience of the order dated 17.10.2025 (Annexure P-1) passed by a Division Bench of this Court in CWP-29440-2025.

2. CWP-29440-2025 was instituted by the petitioner (Jhulka College of Pharmacy and Health Sciences), under Article 226 of the Constitution of India, seeking a Writ of Certiorari quashing the order dated 05.06.2025 (Annexure P-12) whereby affiliation of D Pharm course to the petitioner instituted, was denied. A mandamus was also sought directing the



respondents to grant affiliation to the petitioner in lieu of the permission already given by Central Council.

3. The writ petition came to be decided on 17.10.2025, with the following observations and directions:-

“xxx xxx xxx xxx

5. Having heard learned counsel for the parties, we find that the competent body to regulate the running of Pharmacy Colleges in India is the Pharmacy Council. This is so, as Pharmacy Council has been established primarily under the Pharmacy Act to regulate running of pharmacy Colleges. Law enjoins primacy to be accorded to the decision of Pharmacy Council of India in the areas regulated by it. We are therefore of the view that the petitioner-Institution having been granted approval by the Pharmacy Council of India ought to be allowed to run the Pharmacy course in terms of the decision of Pharmacy Council of India dated 19.08.2025.

6. However, the concerns expressed by Punjab State Board of Technical Education cannot be lightly brushed aside inasmuch as the career of large number of students is also at stake. In such circumstances, although we allow the petitioner-Institution to run the course in terms of the approval granted by the Pharmacy Council of India yet we deem it desirable to request the Pharmacy Council of India to conduct an early physical inspection of petitioner-Institution to ensure that necessary amenities are available with petitioner-Institution.

7. In view of above, we dispose of the present writ petition with the direction upon respondent No2. to pass appropriate consequential orders pursuant to the approval orders passed by the Pharmacy Council of India dated 19.08.2025 forthwith. In terms of such approval, the petitioner would also be permitted to admit students as



are allowed by the Pharmacy Council of India. The Pharmacy Council of India shall also ensure that physical inspection of the petitioner-Institution is conducted at the earliest possible, preferably within a period of 02 months and shortcomings, if any, pointed out shall be rectified by the petitioner without unnecessary delay. Pharmacy Council of India shall also be at liberty to deal with such situation if any shortcoming is found on the part of the petitioner-Institution, in accordance with law.”

4. Alleging willful disobedience of the aforesaid directions, the instant contempt petition has been instituted. It has been averred that after the decision of the Writ Petition on 17.10.2025, the petitioner time and again sent representations to the respondents requesting for permission to conduct the process of admissions, but no reply was received. Reference has been made to repeated emails sent on 18.10.2025, 20.10.2025 and 21.10.2025 (Annexure P-2).

5. Eventually representation dated 22.10.2025 (Annexure P-3) was sent via email and also physically delivered to the respondents, which was duly received on 23.10.2025.

6. It has been averred that the petitioner was verbally informed that the respondents could not give any credential to conduct admissions even if they were held to be in contempt of the order of the Court. It has been averred that under these circumstances, the willful disobedience is clear.

7. The Contempt petition has been opposed by way of a reply in which it has been averred that there is no willful or deliberate disobedience of the directions contained in the order dated 17.10.2025. It was initially



stated in the reply that no specific time period had been fixed for compliance of order dated 17.10.2025, though subsequently in an affidavit filed, the said averment has not been made. It was averred that after passing of the order dated 17.10.2025, there were only four working days i.e., 21.10.2025, 23.10.2025, 24.10.2025 and 27.10.2025. During this period, the case was duly submitted for consideration of the competent authority for appropriate orders regarding implementation of the Court's directions. It has been averred that on 28.10.2025, the Chairperson was pleased to direct compliance of the order and immediately thereafter, online portal was opened to facilitate the implementation of the Court's directions. The petitioner was intimated in this regard vide communication dated 28.10.2025. Thereafter, the petitioner successfully admitted two students through the said online system.

8. It has been averred that the directions have been complied with except for the delay, which was not in the control of the respondents.

9. Two additional affidavits dated 21.11.2025 and 05.12.2025 were also filed by the Director Academics, Punjab State Board of Technical Education and Industrial Training, Chandigarh (hereinafter referred to as '**the Board**'). In the affidavit dated 21.11.2025, it has been averred that the Board had received representation from various Colleges across the State of Punjab for extension of the final date for making admissions for the Session 2025-26, as they were unable to complete the same before the deadline i.e., 30.10.2025. However, no such representation was received from the petitioner. It has been averred that as per the online registration status, the petitioner-College had registered only two students till 11:20 AM on



30.10.2025. It has been averred that in view of the representation, a request had been made by the Board to the Pharmacy Council of India vide communication dated 20.11.2025 (Annexure R-2/1) and to AICTE (Annexure R-2/2) for extending the date of making admissions. It has been averred that the Board is not the authority competent to extend the date of admissions by itself and the same has to be extended by the Pharmacy Council of India.

10. In the affidavit dated 05.12.2025, it has been averred that no response had been received from the Pharmacy Council of India despite the fact that the Board has pursued the matter by sending repeated reminders to the Pharmacy Council of India on 21.11.2025, 24.11.2025, 27.11.2025 and 02.12.2025 (Annexure R-1).

11. I have heard learned counsel for the parties.

12. Sh. Pawan Kumar Mutneja, learned Senior counsel representing the petitioner, strenuously urged that there has been a willful disobedience of the directions issued by the Division Bench on 17.10.2025. Reference was made to the order dated 17.10.2025, the various emails sent by the petitioner, the reply submitted by the respondents and the short affidavits submitted subsequently.

13. Per contra, Dr. Puneet Kaur Sekhon, learned Senior counsel representing the respondents, has submitted that there has been no willful disobedience on the part of the respondents. It was submitted that for the delay caused in implementation of the directions issued on 17.10.2025, the respondents tendered an unconditional and unqualified apology.



14. I have considered the submissions made by learned counsel for the parties.

15. Concededly, the writ petition was disposed of by the Division Bench vide order dated 17.10.2025. The directions to the Board were to pass appropriate consequential orders pursuant to the approval orders dated 19.08.2025 passed by the Pharmacy Council of India. However, the needful was done only on 28.10.2025, i.e. just two days prior to the last date for admissions.

16. The initial affidavit filed by contemner No.2 stated that no fixed time period had been given for the compliance of the directions. This stand is totally unacceptable. Officers holding senior positions cannot be expected to feign ignorance about the time period fixed. The expression used was 'forthwith'. Under the circumstances, the Board was expected to act on a war footing, especially keeping in view the fact that admissions could have been made only up to 30.10.2025. However, as always, the Board took its own time, while its Officers were busy celebrating the festival of Diwali. The stand that there were only four working days is also not acceptable. The needful could have been done within one working day. The Board and the contemnors are, therefore, required to put their act together.

17. Now, we come to the issue as to whether the delay in compliance was willful. The question which would, therefore, arise for consideration is whether the delayed compliance constitutes willful disobedience, so as to attract the jurisdiction of this Court under the 1971 Act.



18. A Division Bench of this Court traced the entire law on contempts in the case of Court on its motion vs. N.S. Kanwar, 1995 (1) RCR (Crl.) 201:-

“12. The idea of contempt of court has emerged with the emergence of the rule of law and generally speaking any conduct that tends to bring the authority and administration of law into disrepute or disrespect or any act which interfere with the administration of justice is contempt of court.

13. In India the history of "law of contempt" can be traced as early as in 1560 (Mughal period). Instances can be found in Tabaquat quoted by sterling in "crime and punishment in Mughal India". While Akbar was on his way to Punjab, Shah Abdul Mohwali in Jagrana of Hajar wanted to salute him while seated on his horse. Akbar felt annoyed and handed him over to Shahabuddin Ahmed Khan to be kept in custody as a prisoner. In Kautilya's Arthashastra, details can be found regarding the theory of contempt of King and King's Council. Even judges who violated law were held liable for punishment. Kautilya was of the view that all persons who violated law were to be punished including who administer law and in fact in the later case the punishment would be mere severe.

14. Oswald in his work on 'contempt of Court' defines contempt as any conduct that tends to bring the authority and administration of law into dis-respect of disrepute or to interfere with or prejudice parties or their witnesses during litigation.

15. The law of contempt of court in the modern sense as developed in our country is on the pattern of English Law. Source to punish contempt was an inherent power in England with all the courts of record. As soon as the courts of record were established India under different charters, the power to punish contempt was necessarily given to these courts. When the Constitution of India came into force in 1950 some provisions relating to contempt matters were also included in it. The contempt of the Supreme Court and the



High Courts as topics for legislation have been mentioned in the Union list and Concurrent List. In the year 1952, the Parliament enacted the contempt of Courts Act, 1952. After examining the law of contempt which developed during a period of almost two decades, the Parliament enacted the Contempt of Courts Act, 1971. Under the Act of 1971, the term 'Contempt' has been defined in section 2, while section 2(b) defines Civil Contempts, section 2(c) defines 'Criminal Contempt'. For the purpose of the present case, it is sufficient to make reference to section 2(a) and (b) of 1971 Act:-

"2. In this Act unless the context otherwise requires (a) 'Contempt of Court' means civil contempt or criminal contempt; (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." "The above quoted definition is in consonance with the views expressed by the English and Indian Courts from time to time and the Parliament in India has tried to give a concrete shape to the law of contempt by enacting 'Contempt of Courts Act, 1971'. The object of contempt proceedings is primarily to protect the public confidence in the system of administration of justice."

16. In *Brahm Prakash Sharma v. State of U.P.*, AIR 1954 Supreme Court 10, the Hon'ble Supreme Court underlined the object of contempt proceedings in the following words:-

"The summary jurisdiction exercised by superior courts in punishing contempt of their authority exists for the purpose of preventing interference with the course of justice and for maintaining the authority of law as is administered in the courts. The object of contempt proceedings is not to afford protection to Judges personally from imputations to which they may be exposed as individuals, it is intended to be a protection to the public whose interests would be very



much affected if by the act or conduct of any party, the sense of confidence which people have in the administration of justice by it is weakened."

17. In *Aligarh Municipal Board v. Ekka Tonga Mazdoor Union and others*, AIR 1970 Supreme Court 1767, the Supreme Court has observed as under:-

"The contempt proceedings against a person who has failed to comply with the courts order serves a dual purpose; (1) vindication of the public interest by punishment of contemptuous conduct and (2) coercion to compel the contemner to do what the law requires of him."

18. In *Advocate General Bijar v. Madhya Pradesh, Khair Industries*, 1980(3) SCC 311, the Supreme Court held:-

"It may be necessary to punish as a contempt, a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and affects the interest of the public in the administration of justice. The Court has the power to commit for contempt of court, not in order to protect the dignity of the Court against insult or injury as the expression "contempt of Court" may seem to suggest, but to protect and to vindicate the right of the public that the administration of justice shall not be prevented, prejudiced, obstructed or interfered with. "It is a mode of vindicating the majesty of law, in its active manifestation against obstruction and outrage."

19. In *Hedkinson v. Hedkinson*, 1952(2) All England Reporter 567, it has been held:-

"It is the plain and unqualified obligation of every person against or in respect of whom the order is made by a court of competent jurisdiction to obey it unless and until the order is discharged. The uncompromised nature of this obligation is shown by the fact that it extends even to cases where the



persons affected by the order believes it to be irregular or even void."

Again in *Jennison v. Backer*, AIR 1972(1) All England Reporter 997 Curtish Releigh, J. observed:-

"The law should not be seen to sit by simply, while those who defy it go free and those who seek its protection loose hope;"

In *Bardkanta Mishra v. Bhimsen Dixit*, AIR 1972 Supreme Court 2466, the Supreme Court observed as under:-

"The contempt of court is disobedience to the court by acting in opposition to the authority, justice, dignity thereof. It signifies a wilful disregard or disobedience dignity of the court's order. it also signifies such conduct as tends to bring the authority of the court and the administration of law into disrepute (vide 17 (Corpus Juris Secundum pages 5 and 6; Contempt by Edward N. Dancel (1939) Edn. page 14, Oswald's Contempt of Court (1910) Edn. pages 5 and 6)."

20. These authorities clearly show that every one howsoever high he may be, is bound to carry out the courts order. The order passed by a court of competent jurisdiction is binding on all concerned. Those who disregard the Court's order, do so at their own peril. No one can think himself above the law and the court is under a duty to see that confidence of the public in the institution of courts is not shaken by the executive authorities by their disregard to the orders of the Court."

19. In *Niaz Mohammad and others vs. State of Haryana and others*, AIR 1995 SC 308, it was held by a Three Judges Bench of the Supreme Court of India that before a contemner is punished for non-compliance of the directions of a Court, the Court must not only be satisfied



about the disobedience but should also be satisfied that such disobedience was willful and intentional:-

“9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Act') defines "Civil contempt to mean "wilful disobedience to any judgment, decree, direction, order writ or other process of a court... Where the contempt consists in failure to comply with or carry out an order of a Court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the Court for initiating proceeding for contempt against the alleged contemner, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under Code of Civil Procedure. The Party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether the alleged contemner should be punished for not having complied and carried out the direction of the Court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court, Before a contemner is punished for non compliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such disobedience was wilful and intentional. The Civil Court while executing a decree against the judgment debtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the Court to initiate the proceeding for contempt for disobedience of its order, before any such contemner is held guilty and punished, the Court



has to record a finding that such disobedience was wilful and intentional. If from the circumstances of a particular case, brought to the notice of the Court, the Court is satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for the contemner to comply with the order, the Court may not punish the alleged contemner.”

20. Recently, in the case of A.K. Jayaprakash (Dead) through LRs v. S.S. Mallikarjuna Rao and another (Civil Appeal Nos.6732-6733 of 2009, decided on 19.08.2025), the Hon’ble Apex Court, while referring to the judgment in the case of “Ashok Paper Kamgar Union v. Dharam Godha and others, 2003(11) SCC 1, observed that contempt jurisdiction is intended to uphold the majesty of law and not to settle personal grievances. Similarly, in Rama Narang v. Ramesh Narang and another, 2006(11) SCC 114, it was held that in a case of civil contempt, the breach must be deliberated and intentional.

21. If the instant case is tested on the touchstone of the principles enunciated in various judgments, as referred to above, this Court is of the considered opinion that there is no willful disobedience nor is the intent contumacious. The affidavits tendered referred to administrative exigencies on account of less number of working days. In the considered opinion of this Court, such circumstances cannot justify laxity in complying with the orders of the Court. However, at the same time, the element of *mens rea*, essential for sustaining a charge of civil contempt, cannot be inferred merely on account of delay in implementing the directions.



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22. That being so, the prayer for initiation of contempt proceedings is declined and rule stands discharged. The instant contempt petition is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

January 31, 2026

Rajan

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Whether speaking / reasoned:

Yes

Whether Reportable:

Yes