

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.690 of 2015

IN

Civil Writ Jurisdiction Case No. 5179 of 2010

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1. Arbind Mehtha Jalwi @ Arvind Mehta Jalwi @ Arbind Mehta Jalwi S/O Late
Dr. Ramji Mehtha Jalwi R/O Mohalla Mali Ghat, Dr. Ramji Mehtha Path,
P.S.Mithanpura, Distt & Town - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. R.K. Mahajan, Principal Secretary, Human Resources Development
Department Government Of Bihar, New Secretariat , Vikas Bhawan, Patna.
3. Mr. Ram Bhujawan Singh, the Director , Primary Education , Human Resources
Development Department Government Of Bihar, New Secretariat, Vikas Bhawan,
Patna
4. Mrs. Bimla Kumari, the Regional Deputy Director of Education, Tirhut Division,
Muzaffarpur.
5. Mr. Ganesh Dutt Jha, the District Education Officer Muzaffarpur

.... Opp.Parties.

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Appearance :

For the Petitioner : Mr. Nityanand Mishra

For the Opp. Parties : AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 16-09-2015

Heard Mr. Mishra for the petitioner and AC to SC-9 for
the State.

Two show causes one on behalf of the opposite party
no.4 and another on behalf of the opposite party no.5 have been filed.
Petitioner has filed one rejoinder to both the show causes.

The contempt application raises a grievance of wilful
disobedience of the order dated 31.10.2013 at the hands of the
opposite party no.4. The writ application was disposed of in the

following terms:-

“Learned counsel for the petitioner made diverse submissions in order to demonstrate certain illegalities /irregularities in the proceedings. In my view, the petitioner should have raised all the issues/facts before the appellate authority by filing appeal thereagainst. Since the petitioner has efficacious and statutory remedy available to him this Court would not invoke its extraordinary and discretionary writ jurisdiction to grant the relief as prayed for in this application. The petitioner would be well- advised to file appeal if aggrieved by the order contained in Annexure-15. It appears the petitioner had been bonafidely pursuing the remedy before this Court and as such this Court further observes if any such appeal under the relevant Rule is filed before the appropriate authority within one month, the same shall be considered on its own merit and decided in accordance with law expeditiously since it has been brought to the notice of the Court that petitioner, during pendency of the proceeding, has superannuated.”

In the show cause filed on behalf of the opposite party no.4, an order passed on 3.9.2015 by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur has been annexed vide Annexure-A wherefrom it appears the appeal of the petitioner was considered and rejected for the reasons stated therein. In paragraph no.8 of the show cause, it has been stated as under:-

“8. That it is most humbly submitted that necessary direction has also been issued to D.P.O. (Establishment) Muzaffarpur vide memo no. 1340 dated 03.09.2015 to ensure payment of pensionary benefits under different heads to the petitioner.”

On the strength of the aforesaid statements made in the show cause, it has been stated that the order of the Court has been complied with.

Mr. Mishra made diverse submissions to question the legality of the appellate order. In my view, in contempt jurisdiction the correctness of the order passed by the appellate authority cannot be examined. If the petitioner is aggrieved by the said order , he may pursue his remedy as available in law .

The contempt application is dismissed.

(Kishore Kumar Mandal, J)

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