

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1993 of 2014

In

Civil Writ Jurisdiction Case No. 21320 of 2012

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1. Chandrika Prasad Keshari son of Late Yadav Lal Bihari resident of village - Mahuawa, P.S. - Pipra, District - East Champaran.
 2. Sheo Jee Prasad son of Late Bigu Bhagat resident of village - Majhar, P.S. - Pakaridayal, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna namely Sri Amarjeet Sinha.
2. Sri Amarjeet Sinha, the Principal Secretary, Government of Bihar.
3. Sri Satya Narayan, the Joint Secretary, Education Department, Government of Bihar, Patna.
4. B.R.A. Bihar University, Muzaffarpur through its Vice Chancellor namely Sri Prabhakar Pandey.
5. Sri Pundit Prabhakar Parandey, Vice Chancellor of B.R.A. Bihar University, Muzaffarpur.
6. Sri Viveka Nand Shukla, the Registrar, of B.R.A. Bihar University, Muzaffarpur.
7. Sri Hari Narayan Thakur, the Principal of S.R.A.P. College Bara Chakiya, District - East Champaran, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.
Mr. Rajiv Ranjan, Advocate.

For the O.P./s : Mr. Ashok Priyadarshi, GA 4
Mr. Sudhir Kumar Singh, AC to GA 4

For the University : Mr. Dhruva Mukherjee, Sr. Advocate.
Mr. Nazir Ansari, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 15-09-2015

Heard learned counsel for the parties.

2. Pursuant to the earlier order of this Court dated 08.09.2015, both, Mr. Khalid Mirza, the Director, Higher Education and Mr. Ratnesh Mishra, Registrar, B.R.A.Bihar University, are present and have also filed their respective show cause reply.

3. From the show cause reply of O.P. Nos. 1 to 3, it transpires that a reasoned order disposing of the representation of the petitioners has been passed only on 12.09.2015 after the opposite parties were directed to remain present in the court by order dated 08.09.2015 of this Court.

4. Nonetheless, when the order of this Court has been complied in letter and spirit, this Court would not like to proceed any further in the contempt matter and would close the proceeding by recording of warning to the opposite parties to comply the order of this Court within prescribed time limit.

5 In the present case, the order was passed on 28.06.2013, the time limit was for the period of six months but ultimately the order has been passed on 12.09.2015, which would go to show that though the representation of the petitioners ought to have been disposed of by 26th January 2014 keeping in view of the date of filing of the representation being 26.07.2013 but the same has been disposed almost after one year and half months and that too when the opposite parties were directed to appear in person.

6. It is true that the Secretary to the Department in his order has sought an apology but then it has to be kept in mind that all concerned authorities of the State of Bihar are complying the order of this Court not only after filing of the contempt application

but on being issued a direction for personal appearance such an attitude would only give an impression to this court that the officials do not want to comply the orders of this Court unless they are subjected to harsh measures. This in turn does not augur well for an efficient governance of rule of law.

7. This Court therefore hopes and believes that in future such situation shall not be created by the opposite parties. It would not like to say anything more and, therefore, would close the contempt proceedings by giving liberty to the petitioners to assail the aforementioned order before the appropriate forum/court in accordance with law.

8. With the aforesaid observations this application is disposed of.

9. The personal appearance of Mr. Khalid Mirza, the Director, Higher Education and Mr. Ratnesh Mishra, Registrar, B.R.A.Bihar University, is hereby dispensed with.

10. Let a copy of this order be sent to the Chief Secretary of the State of Bihar for evolving sometime bound mechanism for timely compliance of the orders of this Court.

(Mihir Kumar Jha, J)

Sujit/-

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