

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3380 of 2014

In

Civil Writ Jurisdiction Case No. 15339 of 2004

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Binod Kumar Kashyap, aged about 58 years, son of Sri Mathura Lal resident of Mohalla Naya Tola, Khajanchi Road, P.S. Pirbahore, Dist. Patna at present posted as Assistant Professor, Department of Anesthesia Patna Medical College and Hospital, Patna.

.... Petitioner/s

Versus

1. State of Bihar through Sri Deepak Prasad, the Principal Secretary, Health Department, Govt. of Bihar having his office Vikash Bhavan, P.S. Sachivilya, Dist. Patna.
2. Sri Suresh Sharma, the Joint Secretary, Health Department, Govt. of Bihar having his office Vikash Bhavan, P.S. Sachivilya, Dist. Patna.

.... Opp. Parties.

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan

For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 08-09-2015

Heard learned counsel for the parties.

Having regard to the very very limited nature of observation made by this Court in the order dated 4.4.2012 in CWJC No. 15339 of 2004, this Court would not be inclined to now initiate proceeding of contempt after noticing that some consideration by the opposite parties has led to issuance of fresh notification of promotion dated 22.7.2014.

The submission of the learned counsel for the petitioner that such promotion is not to satisfaction of the petitioner as someone junior to the petitioner has been given promotion with retrospective effect much earlier than the date of

the petitioner is an aspect which definitely is not covered by the scope of this contempt application, inasmuch as, if there is a fresh cause of action for the petitioner, he and his counsel are well aware of the remedial action which they have to take against such order/action of the authority.

That being so, this application has become infructuous and is, accordingly, disposed of.

(Mihir Kumar Jha, J)

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