

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.439 of 2013

IN

Civil Writ Jurisdiction Case No. 7547 of 2011

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M/S AL- HELAL EDUCATION TRUST THROUGH ITS EXECUTIVE DIRECTOR –CUM-CHAIRMAN, ASHRAF KHAN, SON OF SRI RAMZAN KHAN, R/O MOH. KACHISATAI, P.S.- MITHANPURA, DISTRICT MUZAFFARPUR.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR.
2. SRI VYASJI, THE PRINCIPAL SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, NEW SECRETARIAT, PATNA.
3. SRI SANJAY KUMAR, THE EXECUTIVE DIRECTOR, STATE HEALTH SOCIETY PARIWAR KALYAN BHAWAN, SHEIKHPURA, PATNA.
4. SRI ABHIJIT SINHA, THE DISTRICT MAGISTRATE-CUM-CHAIRMAN, DISTRICT HEALTH SOCIETY, WEST CHAMPARAN, BETTIAH.
5. DR. SAROJ SINGH, THE CIVIL SURGEON -CUM-SECRETARY, DISTRICT HEALTH SOCIETY, WEST CHAMPARAN, BETTIAH.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. MD. NADIM SERAJ

For the Respondent/s : Mr. RAJESH KR.VERMA SC27

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 18-02-2015

Heard learned counsel for the petitioner and learned counsel for the opposite parties.

The present contempt application has been filed for noncompliance of the order dated 20.05.2011 passed in C.W.J.C. No. 7547 of 2011 whereunder the aforesaid writ application was disposed of with a liberty to the petitioner to move before the Civil Surgeon-cum- Secretary, District Health Society, East Champaran, Motihari (opposite party no. 5) along with a detailed application raising all the issues and grounds taken in this writ



petition. If such an application is filed within 15 days, the said authority shall decide the same within two months thereafter and shall pay the entire admitted amount of dues and interest immediately thereafter. However, if any amount is not found payable and due in the said order, the petitioner will be at liberty to challenge the same before an appropriate forum, if aggrieved.

Learned A.C. to S.C. 27 submits that in compliance of the order under contempt, the opposite party no. 5 after receiving the application of the petitioner, constituted high level three members committee, who submitted the report showing the claim of the petitioner was not found genuine and accordingly, the speaking order was passed on 25.03.2013 by the opposite party no. 5, which would appear from Annexure D to the show cause filed on behalf of the opposite party nos. 4 to 6.

Learned counsel for the petitioner submits that in the light of the order dated 20.05.2011, the opposite party no. 5 has arbitrarily passed the order dated 23.03.2013 without disclosing the name of the members of the committee.

Since the order, under contempt, has been complied with by the opposite party no.5, therefore, no further action is required as the petitioner has already been given liberty in the aforesaid writ application to the effect that if any due amount is

not paid to the petitioner, he may challenge before an appropriate
forum. Accordingly, this contempt application is disposed of.

(Rajendra Kumar Mishra, J)

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