

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2173 of 2013

IN

Civil Writ Jurisdiction Case No. 12860 of 2012

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Sunil Kumar Singh, son of Late Shiv Kumar Singh, resident of village- Barbatta,
P.S- Sanpur, District- Saran at Chapra.

.... Petitioner.

Versus

1. The State of Bihar through Sri Ashok Kumar Sinha, the Chief Secretary, Bihar, Patna.
2. Shri Amargeet Sinha, Principal Secretary, Human Resources Development Department, Bihar, Patna.
3. Shri Rahul Singh, Secretary, Human Resources Development Department, Bihar, Patna.
4. Shri Sita Ram Singh, Director, Higher Secondary Education. Human Resources Development Department, Bihar, Patna.
5. Sri Lalan Jha, Bihar School Examination Board (Higher Secondary Section), Bihar, Patna.
6. Managing Committee, through its Secretary, Sri Ram Sundar Das Mahila Mahavidyalaya, Sonapur, District- Saran at Chapra.
7. Shri Harendra Singh, Principal, Ram Sundar Das Mahila Mahavidyalaya, Sonapur, District Saran at Chapra.
8. Shri Tripti Nath Singh, (Mukhiya Jahangirpur Gram Panchayat), son of Late Ragunath Singh, village- Sahapur (Western Side), P.O And P.S- Sonapur, District- Saran at Chapra.
9. Saraswati Singh, wife of Sri Dinesh Singh, C/O Shri Arjun Singh, Gram Paharichak, P.O and P.S- Sonapur, District- Saran at Chapra.
10. Nand Kishore Sharma (Advocate), son of Late Sakal Deo Maharaj, village- Ilsami Chak, Police Station- Sonapur, District- Saran.

.... Contemnors/Opposite Parties.

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Appearance :

For the Petitioner : M/s. Aditya P. Sahay and Raj Shekhar, Advocates.

For the State : Mr. Chhotey Lal Mishra, AC to G.A.-13

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the petitioner and the learned

AC to G.A.-13, appearing on behalf of the State.

2. The present contempt application has been filed

asserting the non compliance of the order dated 27.07.2012 passed in C.W.J.C. No.12860 of 2012, which was disposed of in the terms of the observations made in order dated 25.07.2012 passed in C.W.J.C. No.12663 of 2012 wherein it was observed as under:

“Rather than to ask for a counter affidavit when matters appear to be involving more a policy issue, the writ petition itself is referred to the Principal Secretary, Human Resources Development Department to decide the question of the extent of the obligations that the State proposes to take or has decided to take in the policy dated 21.11.2008 with regard to release of grants in aid and cancellation of the same as discussed in the present order.”

3. Learned AC to G.A.-13, appearing on behalf of the State, submits that in compliance of the directions contained in order dated 25.07.2012 passed in C.W.J.C. No.12663 of 2012, the Education Department, Government of Bihar, Patna, constituted three men committee headed by the Regional Deputy Director of Education to hold an inquiry and submit a report and, accordingly, the Regional Deputy Director of Education gave his final report dated 13.01.2015, which would appear from Annexure-‘C’ to the show cause filed on behalf of the opposite party. As such, the order under contempt has been complied with.

4. Learned counsel for the petitioner submits that the

order as passed by the Regional Deputy Director of Education contained in Annexures-‘B’ and ‘C’ of the show cause filed on behalf of the opposite party is not in accordance with law.

5. Since the order dated 27.07.2012 passed in C.W.J.C. No.12860 of 2012, which is under contempt, has already been complied with, no further action is required to be taken against the concerned opposite party(s). Accordingly, this application stands disposed of. However, if the petitioner has any grievance, he may take legal recourse in accordance with law.

(Rajendra Kumar Mishra, J)

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