

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1640 of 2013

In

Miscellaneous Jurisdiction Case No. 2852 of 2011

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Bihar State Government Employees Association, through its
Secretary Kamla Kant Tripathi, office at Kamal Bhawan, Yarpur,
Rajputana, Patna.

.... Appellant

Versus

1. The State of Bihar through Mr. Ashok Kr. Sinha, Chief
Secretary, Main Secretariat, Patna (earlier Mr. Anup Mukharjee
was holding the post).

2. Mr. Rajit Punhani, Name of father not known to the appellant.
The Commissioner and Secretary, Department of Social Welfare,
Government of Bihar, Main Secretariat, Patna (earlier Mr. Amitabh
Verma was holding the post).

3. Miss Neelam Gupta, presently posted as Director, Integrated
Child Development Scheme, Indira Bhawan, 2nd Floor, Boring
Canal Road, Patna (earlier, Mr. Dinesh Singh Bist was holding the
post).

4. Mr. Rameshwar Singh, name of father not known to the
appellant, the Commissioner and Secretary, Department of Finance,
Government of Bihar, Main Secretariat, Patna.

5. Mr. Dharmendra Singh Gangwar, name of father not known to
the appellant, presently posted as Secretary, GAD (formally known
as Personnel and Administrative Reforms Department),
Government of Bihar, Main Secretariat, Patna (earlier Mr. Deepak
Kumar was holding the post).

.... Respondents

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Appearance :

For the Appellant : Mr. Kishore Kumar Thakur, Advocate
For the Respondents : Mr. Sunil Kr. Mandal, SC-24
Mr. Bipin Kumar, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 15-04-2015

This appeal has been placed under the heading “For Orders (On Petitions)”.

Heard learned counsel for the appellant and learned counsel for the State, with their consent, we have heard this appeal for its final disposal at this stage itself.

We are satisfied that the learned Single Judge committed no error in not proceeding with the contempt proceedings. The learned Single Judge gave liberty to the writ petitioner to challenge the order of the State Government, if he was advised. It was contrary to the judgment of this Court. There is a distinction between the contemptuous order and a wrong order. All wrong orders are not contemptuous orders.

In that view of the matter, we are not inclined to interfere in this appeal. This appeal is dismissed with a liberty to the appellant to take such step/action as he may be advised against order of the State Government.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajeev/-

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