

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.6395 of 2013

In

Civil Writ Jurisdiction Case No. 5730 of 1994

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Umesh Prasad Son Of Late Dwarika Prasad Retired Reader, Department Of Zoology, Nalanda College, Biharsharif, Nalanda, At Present Resident Of 204 Uma Krishna Enclave, South Of Amarnath Mandir, Bhootnath Road, Patna- 26

.... Petitioner/s

Versus

1. The State Of Bihar, Through Sanjeevan Sinha, The Special Secretary, Higher Education Department, New Secretariat Building, Patna- 800001
2. Sanjeevan Sinha, The Special Secretary, Higher Education Department, New Secretariat Building, Patna- 1
3. Magadh University, Bodh Gaya Through Its Registrar, Dr. Dinesh Kumar Yadav
4. Dr. Arun Kumar, The Vice Chancellor, Magadh University, Bodh Gaya
5. Dr. Dinesh Kumar Yadav, The Registrar, Magadh University, Bodh Gaya
6. Divesh Kumar Sinha, The Finance Officer, Magadh University, Bodh Gaya
7. Dr. Rajkumar Majumdar, The Principal, Sardar Patel Memorial College, Udantpuri, Biharsharif, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vidya Sagar

For the Respondent/s : Mr. Anis Akhtar, AC to GA-1

Mr. Pranav Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 22-04-2015

Heard learned counsel for the petitioner.

The moment this Court would find that the petitioner of the present contempt application was not the petitioner in the connected writ application, CWJC No. 5730 of 1994 which was disposed of on 24.6.2011 with certain direction, there would be no occasion for this Court to entertain this contempt application. It



has to keep in mind that the writ application was disposed of on 24.6.2011 and liberty was given to file the representation which was to be disposed of within a period of six months. From the aforesaid fact, the individual members of the Association had filed their representation and same was disposed of whereafter a prayer also was made as is apparent from paragraph no.7 of the representation of the petitioner enclosed with the contempt application as Annexure-6 which for the sake of clarity and convenience is quoted herein below:-

"7. I may point out that all the other employees of the college were issued statements of dues in September, 2011 and they represented before your goodself through their separate representation. Since I remained out of station for a longer period for my treatment, the college neither calculated the interest amounts payable to me nor I was aware of the said order dated 24.6.2011. Moreover, I was also not in contact with the Burser. On return to my residence at Patna I learnt from my colleague about order dated 24.6.2011 inasmuch as the order dated 8.5.2013 (order passed in M.J.C. No. 3687/12, preferred on behalf of the Secretary of the Teachers Association of the College). Thereafter, I contacted the Principal of the College, who has been pleased to issue my statements of dues duly signed on 28.5.2013. Thus the instant representation."

Let it be made clear that in the meantime another

contempt application was filed by one of the petitioner in capacity of the Secretary of the Association being MJC No. 3687 of 2012 which got disposed of under certain direction on 8.5.2013.

In that view of the matter, it was not open for the petitioner of this case to allege violation of the order of this Court when he was neither the petitioner in that case nor had filed the representation within the time prescribed in the order of this Court. Such arm-twisting method of the petitioner, therefore, by filing this contempt application has to be deprecated. If the petitioner, however, is aggrieved on account of his individual grievance and his association also does not take care of him, he is always at liberty to move independently by filing a writ application but the contempt application filed by him is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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