

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.157 of 2014

Arising out of

M.J.C.No. 4286 of 2012

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Binay Kumar Yadav, Son of Sri Chandeshwari Prasad Yadav, Resident of village-
Neoraganj, P.S.- Bihta, District- Patna

.... Appellant/s

Versus

1. Magadh University, Bodh Gaya through Sri D.K. Yadav, the Registrar, Magadh University, Bodh Gaya
2. Mr.Arun Kumar, the Vice-Chancellor, Magadh University, Bodh Gaya
3. Mr. Dinesh Kumar Yadav, the Registrar, Magadh University, Bodh Gaya
4. Mr. Rajesh Shukla, the Principal, J.N.L. College, Khagaul, P.O. and P.S.- Khagaul, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate.
Mr. Ramchandra Singh, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-04-2016

Heard learned counsel for the parties.

2. The order dated 16.12.2013 passed by the learned single Bench in contempt proceedings is the subject matter of challenge in the present Letters Patent Appeal. By the said order, the learned single Bench recorded the fact that an amount of Rs. 1,23,718/- towards current salary, as is due to the appellant, has been handed over to the appellant in Court and that in case, the appellant is aggrieved by any order of the authorities, he may agitate the same before an appropriate forum in accordance with law.

3. Learned counsel for the appellant contends that there was a specific direction for payment of salary since 6.11.2007 along with the current salary. The relevant extract from the order dated 11.11.2009 reads

as under:

“Counsel for the petitioner further submits that by order dated 9.9.2009 a specific direction was issued to the respondent authorities to make payment of salary to the petitioner but still it’s payment was not resumed. A specific direction is issued to the Registrar of the university and as well as Vice-Chancellor of the Magadh University to make payment of entire arrears of salary to the petitioner since 6th November, 2007. Payment of current salary should also continue.”

4. It transpires that a sum of Rs. 3,00,000/-, vide cheque dated 26.04.2013, was paid towards arrears and Rs. 1,23,718/- was paid towards current salary. If the appellant has still any subsisting grievance, he has been given liberty to seek remedy which the appellant may wish to avail.

5. Since, the issue of contempt is between the Court and the contemnor and the learned single Bench has found that the order stands complied with, we do not find that the order passed by the learned single Bench on 11.11.2009 has not been complied.

6. We do not find any merit in the present Letters Patent Appeal. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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