

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1635 of 2010

Arising out of

Civil Writ Jurisdiction Case No. 7864 of 2002

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Mohan Prasad Sinha Son of Late Shambhu Saran Prasad Sinha, Resident of Mohalla-Maula Bagh, Police Station- Nawada (Ara), District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. Sri. K. K. Srivastava, Director, Secondary Education, Govt. of Bihar, Patna.
3. Accountant General, Bihar, Patna.

.... Contemnor--- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Sunil Kumar Mandal, S.C. 3

Ms. Neelam Kumari, A.C. to S.C. 3

For the A.G. Bihar : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-12-2016

Learned counsel for the parties are present.

Pursuant to order dated 30.11.2016, the petitioner is present in Court.

At the very outset, the petitioner submitted to the Court that he objects to his Advocate having received the cheques earlier on 19.10.2016 and the same ought to have been given to him.

The Court would like to record some fact. The writ application was filed through Mr. Lokesh Kumar Singh, learned Advocate and Mr. Rahul Nath, learned Advocate. Subsequently, the petitioner has executed another Valalatnama in favour of Mr. Anish Chandra Sinha, learned Advocate which was also filed after recording the no objection of the earlier counsel. The conduct of the



petitioner itself shows that he has changed the counsel midway in a casual manner and now the stand is that the cheques should not have been received by his counsel and that the file be returned to him by the counsel. The Court finds such conduct to be highly unbecoming, as the counsel has every authority to receive such cheques, especially when he is representing his client and the petitioner himself is not present. In the present case, the Court can only record that only because of the submissions of Mr. Anish Chandra Sinha, learned Advocate, the Court was persuaded to take a strict view in the matter which resulted in the authorities bringing various cheques in favour of the petitioner.

If the objection of the petitioner is that the cheques should have been given to him, there is no requirement for the Court to intervene in the matter. The petitioner is at liberty to settle the matter with the authorities, as per his sweet will and desire.

Accordingly, the application stands disposed off.

The cheques in favour of the petitioner are returned to learned counsel for the State for being paid to the petitioner in accordance with law, after he completes the formalities required for being given such payment.

(Ahsanuddin Amanullah, J.)

P. Kumar

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