

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.546 of 2014

In
Miscellaneous Jurisdiction Case No. 4901 of 2012

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Sarjug Choudhary, son of Late Chhatan Choudhary, resident of Mandraj Bigha, P.S. – Delha, District – Gaya.

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary, Bihar.
2. The Commissioner-cum-Secretary, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Deputy Collector, Establishment, Gaya.
5. The Treasury Officer, Gaya.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

6. 25-07-2016 We are of the view that in terms of Section 19 of the Contempt of Courts Act, 1961 (in short the “Act”) and the judgment of the Apex Court in the case of *D.N. Taneja vs. Bhajan Lal* since reported in (1988) 3 SCC 26; this Miscellaneous Appeal is not maintainable and is misconceived as such.

The Apex Court has further noted that, once if remedy under Section 19(1) of the Act is not available, then, no appeal under any other provision can be preferred, and the only remedy would be an appeal in terms of Article 136 of the Constitution to the Apex Court.

Thus, in our view, this Miscellaneous Appeal is not maintainable nor permission to convert into Letters Patent Appeal can be granted.

This appeal is, accordingly, dismissed as not maintainable.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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