

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2030 of 2016

In
Civil Writ Jurisdiction Case No. 8697 of 2015

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Sudeshwar Sah

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 16-11-2016 Heard learned counsel for the petitioner and the State.

The instant contempt application has been filed against the order dated 5.1.2016 passed in C.W.J.C. No.8697 of 2015.

In the writ petition, the petitioner assailed the second show-cause notice, dated 18.5.2015 whereby he was asked to file reply to the enquiry report though the same was in his favour. This Court in view of law laid down by the Apex Court in the case of *Lav Nigam vs. The Chairman and MD, ITI Ltd., reported in (2006) 9 SCC 440* quashed the show cause with liberty to the respondents to proceed afresh in accordance with law.

Thereafter, the respondents issued second show-cause expressing their tentative disagreement with the findings recorded in the enquiry report.

Learned counsel for the petitioner submits that the tentative

disagreement is not based on any factual aspect.

In my view, the aforesaid submission could not be a matter of contempt but may provide a fresh cause action to the petitioner. As the petitioner has been dismissed from service, it will be open for him to challenge it before an appropriate forum.

With the aforesaid observations and directions, this application stands disposed of.

(Samarendra Pratap Singh, J)

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