

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.304 of 2017

In

Civil Writ Jurisdiction Case No. 5511 of 2012

- =====
1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna namely Sri Amarjeet Sinha
 2. The Principal Secretary, Department of Education, Government of Bihar, Patna namely Sri Amarjeet Sinha.
 3. The Director (Mass Education), Government of Bihar, Patna, namely Sri Anil Kumar
 4. The District Education Officer, Bhagalpur (The then District Mass Education Officer) Bhagalpur namely Sri S.K. Paswan

.... Appellants

Versus

Dayanand Mandal s/o Sri Dhaneshwar Mandal R/o Village - Simro, P.S. - Sabour, District - Bhagalpur.

.... Respondent

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Appearance :

For the Appellants : Mr. Sunil Kumar Mandal, S.C.3
Mr. Bipin Kumar, AC to SC.3
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 24-11-2017 Delay of 2 years and 130 days in filing of the appeal is condoned. I.A. No.1138 of 2017 is allowed and disposed of.

Taking note of the fact that an order passed by the learned Writ Court on 21.7.2009 was not complied with, the contempt application was filed in the year 2012 and even after notice in the year 2012, the order was not complied with for a period of more than two years after coercive action was taken on 24.7.2015 for the inordinate, unexplained delay, the learned



contempt Court has imposed a cost of Rs.25,000/- to be paid at the first instance by the State Government and thereafter, liberty was granted to the Chief Secretary to cause an enquiry to identify the necessary responsible for non-compliance with the order. In exercising discretion for imposing cost, learned Writ Court has not committed any error, in the facts and circumstances warrant reconsideration in this appeal.

Finding no ground for indulgence into the matter, the appeal is dismissed.

(Rajendra Menon, CJ)

N.H./-

(Anil Kumar Upadhyay, J)

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