

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.991 of 2017

IN

Miscellaneous Jurisdiction Case No. 3865 of 2016

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Mukti Nath Jha, Son of Late Medni Kant Jha R/o Village Phulwaria, P.S. Akbarnagar, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar Through The Commissioner Cum Secretary, Finance Deptt, Govt. of Bihar, Old Secretariat, Patna Namely Mr. Ravi Mittal, I.A.S.
2. The commissioner cum Secretary, Department of Health, Medical Education and Family Welfare, Govt of Bihar, Patna namely Mr. R.K. Mahajan, I.A.S.
3. The Director Deshi Chikitsa-cum-the Under Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna namely Mr. N.P. Srivastava.
4. The Principal, Sri Y.N.A. Ayurved College, Champanagar, Nath Nagar, Bhagalpur, namely Mr. C.B. Singh.
5. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Purushottam Kumar Jha

For the Respondent/s : Mr. SURYADEO YADAV-AAG9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-10-2017

This is a case where an appeal under Clause 10 of the Letters Patent has been filed seeking exception to an order dated 22.03.2017 passed in contempt jurisdiction being MJC No. 3865 of 2016, which reads as under:-

“The contempt application is disposed off with liberty to the petitioner to approach the office of Accountant General to either explain the accounts to them or understand the calculations, which have been made by them, because rectification, if any, is required to be made,



it shall be done within a period of six weeks.

Contempt application stands disposed off.”

It is a case where the Contempt Court has refused to exercise its jurisdiction and remanded the matter back to the Accountant General. It is not a case where the a Court in exercise of its jurisdiction under Article 226 of the Constitution has passed any fresh direction in the form of a writ or mandamus and, therefore, the law laid down by the Supreme Court in the case of **Midnapore Peoples’ Co-operative Bank Limited vs. Chunilal Nanda & Ors. [(2006) 5 SCC 399]** is made applicable. On the contrary, it is a case where in its discretion the Contempt Court has refused to initiate proceeding in exercising its Contempt jurisdiction.

That being so, the appeal filed under Clause 10 of the Letters Patent is not maintainable. The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl.

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17/10/2017
Transmission Date	N.A.

