

IN THE HIGH COURT OF JUDICATURE AT PATNA**Miscellaneous Jurisdiction Case No.2568 of 2016****In****Civil Writ Jurisdiction Case No. 17748 of 2014**

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Brindaban Rai son of Late Shankar Dayal Rai resident of Tribhuban Gopal Enclave, Flat No. F1, Finance Department Colony, Khajpura, P.S. - Rajiv Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Mr. Anjani Kumar Singh, The Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Pankaj Kumar, The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. Mr. Rajnish Kumr, The Joint Secretary, Road Construction Department, Bihar, Patna.
4. The Special Officer-cum-Deputy Secretary, Road Construction Department, Bihar, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak

For the Respondent/s : Mr. Gp8 Manish Kumar

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA**PRATAP SINGH****ORAL ORDER**

7 10-05-2017 Heard learned counsel for the petitioner as well as
counsel for the State.

The contempt application has been filed seeking proceeding against the opposite parties for willful non-compliance of the order dated 16.03.2016 passed in C.W.J.C. No.17748/14 within the time schedule of four months.

The submission is that the outer limit for implementing the order dated 16.03.2016 expired on 16.7.2016. The opposite



parties at least ought to have sought leave of the Court for extension of time period which they had not done. Elaborating his submission, learned Senior counsel submits that the opposite parties, as such, had to purge themselves of contempt first and in this context learned counsel had referred to the decisions in case of Anita International vrs. Tungabadra Sugar Works Mazdoor Sangh and others reported in 2016 (9) SCC 44 and Mohipal Singh Rana vs. State of U.P. reported in 2016 (8) SCC 335.

On the other hand, learned counsel for the State submits that the order of the Court has been fully complied with. Some delay had occurred in carrying out the order. He submits that the delay was not intentional and the opposite parties have sought apology for the same.

This Court would agree with the submission of the learned counsel appearing for the petitioner that the opposite parties ought to have sought leave for extension of time, in case, the order was not complied with in time. However, in view of the apology tendered, this Court does not intend to proceed further in the matter.

It goes without saying that petitioner would be at liberty to challenge the notification, dated 16.03.2010 awarding



punishment, if so advised.

The application is disposed of.

(Samarendra Pratap Singh, J)

AnilKrSinha/-

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