

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3073 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 23 of 2015

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Charley Lazarus, Son of Late Lazarus Sextus, Resident of Mohalla - Church Road
Bettiah, P.S- Bettiah Town, District - West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna namely R. K. Mahajan.
2. R.K. Mahajan, father's name not known to the petitioner, the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Ram Chandra Due, father's name not known to the petitioner, the Director, Primary Education, Government of Bihar, Patna.
4. Vishwanath Sah, father's name not known to the petitioner, the District Education Officer, West Champaran at Bettiah.
5. Brajnandan Singh, father's name not known to the petitioner, the District Programme Officer (Establishment), West Champaran at Bettiah.
6. Jottin Jose, father's name not known to the petitioner, the Headmaster, Mission Middle School, Bettiah, West Champaran at Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Virendra Kumar, A.C. to S.C. 13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-03-2017

Heard learned counsel for the parties.

2. Pursuant to order dated 01.03.2017, the opposite party
no. 4 is present and has filed supplementary show cause.

3. There is absolutely no justification given by the
respondent no. 4 for not having timely complied with the order dated
03.08.2015 passed in C.W.J.C. No. 23 of 2015. The only ground
which has been taken as a defence is that the opposite party no. 4 had
sought direction from the Director, Primary Education and was asked



to file L.P.A. against the order.

4. Learned counsel for the petitioner has informed the Court that L.P.A. No. 1856 of 2016, has since been dismissed by order dated 16.03.2017 and thereafter, payment has been made on 23.03.2017.

5. The Court does not find any justification in a person merely filing an L.P.A. for, till the time the order is not interfered with, the same has to be complied with and thereafter, depending on the outcome of any order passed by the Appellate Court, the consequences would follow, but merely in the garb of either proposing to file an appeal or filing an appeal, would not absolve the party of not complying with the order of the Court. Thus, from the admitted position, contempt stands proved, inasmuch as, the stand is that though the order was there without any interference, but just because there was a proposal to file an L.P.A., the order was not being complied with.

6. The opposite party no. 4 sought apology from the Court and gave undertaking that as this was the first such instance, he was not fully aware of the implications and in future, such instance shall not be repeated.

7. Having regard to the aforesaid, the Court accepts such apology. However, Mr. Bishwanath Sah, the incumbent District



Education Officer, West Champaran, Bettiah is warned and cautioned to be careful in future.

8. The application stands disposed off.

9. The personal appearance of the opposite party no. 4 is dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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