

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3501 of 2014

IN

Civil Writ Jurisdiction Case No. 2198 of 2009

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Prabhawati Prathmik Sah Madhya Sanskrit Vidyalaya Raiyan through its Acting Headmaster Shailesh Chandra Jha, son of Late Chandra Narayan Jha, Village Mahinathpur, PS Vairavsthan, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. R K Mahajan, the Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. Ashutosh Kumar, Special Director, Sanskrit Department of Education, Govt. of Bihar, Patna
4. Ram Dev Prasad, The Chairman, B S Shiksha Board, Patna, Bihar
5. Milind Kumar Sinha, The Secretary, B S Shiksha Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Jha
For the State	:	Mr. Sunil Kumar Mandal, SC 3 Mr.ArjunPrasad,AC to SC 3
For BSSB	:	Mr. Satyam Shivam Sundaram Mr. Shashi Shekhar Jha

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 18-10-2017

Inter alia contending that an order dated 19.04.2012 passed in CWJC No. 2198 of 2009 has not been complied with, this application has been filed for initiating action for contempt.

It is stated that the case of the petitioner Institute for grant of approval/recognition has not been properly considered and the decision taken is not tenable, however, from the show cause filed by the respondents and the proceedings of the Board and the decision as contained in Annexure-A along with the averments made in the show-



cause it appears that claim of the petitioner Institute was considered and it has been rejected.

Once the claim has been considered and rejected, as is indicated in the show-cause, no case for initiating contempt proceedings is made out. The petitioner may challenge the action, as indicated in the show-cause afresh in accordance with law in case he has any grievance still subsisting but on the ground that no order has been communicated to the petitioner or the claim has not been properly considered in the peculiar facts and circumstances of this case, I see no reason to initiate action for contempt.

The contempt application is, therefore, disposed of with the aforesaid liberty to the petitioner.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30/10/2017
Transmission Date	N.A.

