

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1805 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 10598 of 2009

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Dr. Sushil Kumar Singh, son of late Surendra Prasad Singh, resident of Village-
Basatpur, P.S.- Panapur, District- Saran (Chapra), at present posted as Medical
Officer, Incharge, Primary Health Centre, Basatpur, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. Brijesh Malhotra, The Principal Secretary, Health Department, Government
of Bihar, patna
3. Dr. R.D. Ranjan, The Director-in-Chief, Health Services, Bihar, Patna
4. Mr. Birendra Kumar Upadhyay, The Regional Deputy Director, Health
Services, Saran Division, Chapra
5. Dr. Anil Choudhary, The Civil Surgeon-cum-Chief Medical Officer, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-07-2017

Inter alia contending that an order passed on 07.05.2012
in C.W.J.C. No. 10598 of 2009 has not been complied with, this
application has been filed for initiating action for contempt.

The writ petition was disposed of directing the Principal



Secretary, Health Department to take a final decision with regard to computing the period of service of the petitioner from 12.08.1978 and thereafter considering his case for grant of A.C.P. take a decision.

From the show-cause filed by the respondents, it is seen that a decision in the matter has been taken and a detailed order Annexure-A has been passed by the Health Department through the Principal Secretary on 15.09.2015.

That being so, the competent authority having taken the decision now by evaluating the merit of the decision and taking note of certain observations made in the writ petition, this Court cannot sit and reassess or adjudicate the tenability or validity of the order (Annexure-A) by exercising its jurisdiction under Article 226 of the Constitution for the simple reason that the ultimate order passed in the writ petition was that the petitioner may file a self contained representation enclosing copies of the order and other relevant documents and a final decision in the matter was to be taken by the Principal Secretary, Health Department. The Principal Secretary of the Health Department having taken the decision, now this Court in these contempt proceedings cannot reappreciate the decision and quash it on the grounds canvassed before me today. This being beyond the jurisdiction of a Contempt Court, the application is disposed of with liberty to the applicant to challenge the order afresh



in accordance with law.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	

