

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3236 of 2013

In

Civil Writ Jurisdiction Case No. 140 of 2013

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Vidya Verma W/O Prahlad Sharan Verma, resident of Mohalla Chitragupta
Nagar, Araria, District Araria.

.... Petitioner/s

Versus

1. The State Of Bihar through Secretary Department of Health Bihar, Patna ,
Mr. Vyas Ji.
2. Dr. B.K. Thakur, the Civil Surgeon-Cum-Chief Medical Officer, Araria.
3. Dr. Md. Moiz, Medical Officer, Additional District Tuberculosis Centre,
Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Ashok Kumar Gupta, AC to GP 10

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-03-2017 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner prays for initiating contempt proceedings against the concerned opposite party alleging deliberate non-compliance of the order dated 21.03.2013 passed by this Court in C.W.J.C. No. 140 of 2013.

The matter was heard by the writ Court and while disposing of the application, this Court after noticing that there was no reason assigned in the show cause notice issued to the petitioner, directed the respondent to issue fresh show cause notice giving specific instances and charges against the petitioner.



The operative portion of the order reads as hereunder:-

“I have considered the rival submissions of learned counsels for the parties. In view of the allegations and counter allegations made in the present matter, it would not be possible for this court to decide the issue itself as to whether the petitioner was at fault in the matter or not. One thing, however, is clear that the impugned order does not mention any of the facts which have now been stated for the first time in the counter affidavit. There is no reference to the fact in the impugned order that the show cause notice was sent to the petitioner which had not been received by her. It is also not mentioned in the impugned order that an attempt was made to serve the show cause notice upon the petitioner through registered post. Further, no reasons have been assigned for the cancellation of the contract.

In the background of the allegations made by the petitioner that the respondent no. 4 started to misuse the vehicle for his personal and private use, the action of the respondents is clearly violative of Article 14 of the Constitution of India being arbitrary in character.

The writ application is, accordingly, allowed and the impugned order dated 20.10.2012 is quashed.

This Court would normally have directed the petitioner to file reply to the show cause notice



dated 12.10.2012 but I find that the show cause notice is quite vague without any specific dates and reasons mentioned therein. Therefore, I grant liberty to the respondents to issue a fresh show cause notice giving specific instances and charges against the petitioner. Upon the said cause being issued, the petitioner shall reply to the same within a period of one week and thereafter the respondents shall pass appropriate orders in accordance with law”.

Accordingly, it is prayed that the respondents have not complied with the order in letter and spirit and after the disposal of the writ application a fresh show cause notice has been issued bringing to the fore certain issues which were not at all relevant for the period of contract which is referred to in the present matter. It further appears that the petitioner was served by a show cause notice on 15.05.2013 which has been marked as Annexure- A to the show cause. In the letter issued from the office of the Chief Medical Officer-cum-Civil Surgeon, Araria, the petitioner was issued show cause notice and enumerating certain allegations against her. The petitioner thereafter, answered the aforementioned show cause notice. After the petitioner filed her show cause, the Chief Medical Officer-cum-Civil Surgeon,, Araria vide his letter 1041 dated 27.05.2013 has rejected the reply to the



show cause filed by the petitioner as being unsatisfactory. Thus, the order of this Court to issue fresh show cause notice has been complied with. The petitioner, if so advised, may seek appropriate relief in accordance with law against the order passed vide Annexure-C.

With the aforementioned observation, the contempt application stands disposed of.

(Anjana Mishra, J)

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