

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1999 of 2013

IN

Civil Writ Jurisdiction Case No. 13901 of 2008

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Bihar Rajya Un-Aupcharik Shiksha Karamchari Sangh, Through Its General Secretary, Namely Shashi Bhushan Tiwari S/O Sri Ram Narayan Tiwari Resident Of Village Situahi, P.O. Karnaul, P.S. Sahebganj, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Mr. Ashok Kumar Sinha, The Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna.
3. Mr. Amarjeet Sinha, The Principal Secretary, Department Of Human Resources Development, Govt. Of Bihar, Vikash Bhawan, Patna.
4. Mr. Jitendra Kumar, The Director, Mass Education Department, Of Human Resources Development, Govt. Of Bihar, Vikash Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BK Dubey

For the State : Mr. Manish Kumar, GP 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 18-08-2017

This application has been filed for initiating action for contempt on the ground that an order passed on 14.11.2011 by the learned Writ Court in CWJC No. 13901 of 2008 has not been complied with.



At the instance of the employees-Association the writ petition was disposed of in terms of an order passed on 21.04.2011 in CWJC No. 8418 of 2010. After the orders were passed in the writ petition as indicated hereinabove, the matter with regard to issue in question travelled to the Supreme Court in Special Leave to Appeal (Civil) No. 32079 of 2015 and by a detailed order passed on 26.02.2016 the Hon'ble Supreme Court disposed of rather dismissed the Special Leave to Appeal filed by the State Government with the following observations:-

“The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all those petitioner Instructors which are pending as on date before the High Court but shall not apply to any fresh case either here or before the High Court.

Pending applications, if any, stand disposed of.”

When the matter was taken up by this Court in this proceeding on 09.1.2017, it was indicated by the State Government that in the garb of various strangers being members of the Association benefit is being claimed, and the State Government raised serious objection. Accordingly, on 09.01.2017, this Court passed the following order:-

“The problem has been raised by the State that even some strangers who are not the member of the Association are trying to get the benefit of the order passed by this Court, which has been disputed by the learned counsel for the petitioner and submits that it is the State who generates the litigation by refusing to accept the genuine person to be beneficiary of the order passed by this Court.



Let the State make an endeavour to find out and filter the genuine members of the Association and whoever is found to be a genuine member will be granted the benefit in terms of the order passed by this Court. For that purpose, learned counsel for the State prays for 8 (eight) weeks time.

Let this case be listed after 8(eight) weeks under the same heading.

This Court makes it clear that whatever steps the State desires to take, they should do it within the aforesaid period and implement the order in its true letter and spirit.”

The State has now indicated that it has become impossible for them to find out who are the genuine office-bearers of the Association. That apart, a perusal of the original records of CWJC No. 13901 of 2008 goes to show that the writ petition was disposed of on the very first date of listing without notice to the State Government and in the original records of the writ petition no names of individuals or members entitled for the benefit were mentioned and on whose behalf the application has been filed were indicated. That being so, now in the light of the order passed by the Supreme Court at the instance of the petitioner-Association, this Court does not deem it appropriate for initiating any contempt. If any individual employee, in the light of the order passed by the Supreme Court is entitled for any benefit, he can take recourse to remedy available for seeking benefit. But in the peculiar facts and circumstances of the case, in view of the order passed by the Hon’ble Supreme Court,



this Court does not wish to pursue this contempt application.

This application is dismissed.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	21.08.2017
Transmission Date	N.A

