

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.358 of 2016
Arising out of
Miscellaneous Jurisdiction Case No. 2105 of 2013
Along with
Interlocutory Application No. 1500 of 2016**

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1. The Vice Chancellor, Patna University, Patna.
 2. The Registrar, Patna University.
 3. The Establishment Officer, Patna University, through Registrar, Patna University, Patna.

.... Appellant/s

Versus

1. Binod Kumar, S/o Late Bazir Gope, Resident of Kankarbagh, Gate No. 15, P.S.- Patrakar Nagar, Dist.- Patna (Petitioner in the Contempt Petition)
2. The State Of Bihar, represented through Secretary H.R.D., Govt. of Bihar, Old Secretariat Building, Bailey Road, Patna
3. Ran Vijay Kumar Singh, Director of Distance Education, Patna University, Patna.
4. University Employees Associations, Patna University, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vivekanand Prasad Singh, Advocate
For the State : Mr. Ajay Kumar Sharma, AC to PAAG-1

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-02-2017

Re: Interlocutory Application No. 1500 of 2016

The application is for condonation of delay of 133 days
in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, we condone the delay in filing of the present Letters



Patent Appeal.

Interlocutory Application is allowed.

Re. Letters Patent Appeal No. 358 of 2016:

The present Letters Patent Appeal is directed against an order passed by a learned Single Bench on 5th of August, 2015 whereby the contempt petition was disposed of after deleting the word 'vindictive' used in the order dated 1st July, 2015.

In fact, learned counsel for the appellant was repeatedly asked as to which part of the order dated 5th of August, 2015, which is subject-matter of challenge in the present appeal, is the adverse comments so as to determine as to whether the Letters Patent Appeal would be maintainable against such order or not.

What has been argued is that, in fact, the Court had issued certain directions on 1st July, 2015 which are in addition to the direction issued by the writ court and that such order having been made as the part of the order dated 5th of August, 2015, the Letters Patent Appeal would be maintainable.

We find that the Letters Patent Appeal would not be maintainable only for the reasons that the final order quotes an earlier order dated 1st of July, 2015. Rule in the contempt petition stand discharged, when an order dated 5th of August, 2015 has been passed.

In view of the said fact, we do not find that the appellant



can be permitted to dispute the order dated 1st of July, 2015 in the present Letters Patent Appeal. The same is, thus, dismissed.

(Hemant Gupta, ACJ)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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