

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1646 of 2015

Arising out of

Miscellaneous Jurisdiction Case No. 4714 of 2011

Arising out of

Civil Writ Jurisdiction Case No. 8530 of 2010

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Mahendra Prasad @ Mahendra Prasad Ram, Son of Late Chhathu Ram, Panchayat Secretary, Gram Panchayat Raj - Basuari, Police Station - Sikarhatta, District - Bhojpur

.... Appellant (Contemnor – O.P. No. 6)
Versus

1. The State of Bihar
2. Mr. Anjani Kumar Singh, Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. Dr. Pratibha Verma, District Magistrate, Bhojpur
4. Mr. Raghubansh Kumar, District Education Officer, Bhojpur
5. Mr. Mahesh Jha, Block Education Extension Officer, Tarari, District - Bhojpur
6. Mr. Binod Ram, Mukhiya Gram Panchayati Raj Basauri, P.S. Sikarahata, District - Bhojpur
7. Narendra Kr. Roy S/o Sri Krishna Roy R/o village - Nirbhay Dehara, P.S. Sikarahata, District - Bhojpur

..... Respondents
..... Petitioner - Respondent

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Appearance:

For the Appellant/s : Mr. Baidya Nath Thakur, Advocate.
For the Respondent/s : Mr. (AC to AAG 2).

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 29-08-2017

Heard counsel for the appellant and counsel for the State.

2. Perused the impugned order dated 20.05.2015.

3. The finding of the learned Single Judge being what it is,
the punishment meted out to the appellant was the least which could
be done to save the faith in the Court and respect for its judicial
orders.



4. From the narration of facts it is evident that the appellant had absolutely no respect or concern for judicial directions or orders and he took a calculated risk not only by willfully disobeying the order of this Court but also tried to mislead by giving vague and false statements in the affidavits.

5. Submission is made on behalf of the appellant that the appellant, who was a Panchayat Secretary at the relevant time, has now superannuated and, therefore, a lenient view ought to be taken in view of the fact that he has not only superannuated but has also now complied with the order. The Court is not impressed with such a submission. It has become fashionable these days to take a risk of defiance of judicial orders and only when the contemnors are cornered, all such humilities emerge in the pleadings. The dignity of the Court and belief in the judicial system is more paramount. Empty apologies or report of compliance at belated stage can be a ready made remedy. The Court is, therefore, of the opinion that the learned Single Judge was compelled into awarding punishment of two months of imprisonment in the gross manner in which the appellant treated the judicial orders and directions. No interference is warranted with the order of the learned Single Judge.

6. The appellant, namely, Mahendra Prasad @ Mahendra Prasad Ram, S/o Late Chhathu Ram, now a retired Panchayat



Secretary, Gram Panchayat Raj Basuari, P.S. Sikarhatta, District Bhojpur is directed to surrender within one week from today to undergo the imprisonment awarded upon him and if he does not surrender to the authority within the aforesaid period of one week, the Superintendent of Police, Bhojpur at Ara is directed to take the above named appellant into custody seeing his remand to Beur Jail to undergo the punishment of imprisonment awarded upon him.

7. Let a copy of this order be sent through FAX to the Superintendent of Police, Bhojpur at Ara, who will file a report of compliance before this Court.

8. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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