

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3893 of 2012

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Dr. Sita Sharan Mishra S/O Late Gajanan Mishra Resident of Shanti Bagh,
Narkatiaganj, P.S- Shikarpur, District- West Champaran.

.... Petitioner

Versus

1. The B.R.A. Bihar University, Muzaffarpur through its Registrar, Namely Dr. A.P. Mishra.
2. Dr. B. Kumar, the Vice- Chancellor, B.R.A. Bihar University, Muzaffarpur.
3. Mr. J.N.P. Sinha, the Finance Officer, B.R.A. Bihar University, Muzaffarpur.
4. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna, Namely Mr. S. Shiv Kumar, I.A.S.
5. The Director, Department of Higher Education, Government of Bihar, New Secretariat, Patna Namely Mr. S.R. Singh.

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha
For the Opp. Party/s : AC to GP – 23
Mr. Rakesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

12. 12-04-2017 Heard Sri Purushottam Kumar Jha, learned counsel

for the petitioner, learned A.C. to Govt. Pleader – 23 as well as Sri

Rakesh Kumar Singh, learned counsel, who has appeared on

behalf of B.R.A. Bihar University.

The present petition was filed, with a prayer to initiate

contempt proceeding against opposite parties, particularly against

Vice-Chancellor of the B.R.A. Bihar University on an allegation

of wilful disobedience to an order dated 28-03-2011 passed in

C.W.J.C. No. 9376 of 2006. By the said order, while allowing the



writ petition, this Court directed the Vice-Chancellor to take all steps to clear all the retiral dues of the petitioner with statutory admissible interest within a period of two months from the date of receipt/production of a copy of this order. However, after more than one year, the present petition was filed in the month of August, 2012 on allegation of wilful disobedience to an order of this Court.

In this case, earlier show cause was filed and in the show cause, a specific stand was taken that all the retiral dues, in compliance with the order of the writ court, have been paid. However, the case was got adjourned for filing rejoinder. Subsequently, supplementary show cause was filed, which has also been replied by the petitioner. It has not been disputed that retiral dues has been given to the petitioner, but now a stand has been taken that since there was direction of this Court for payment of retiral dues, the respondents intentionally had taken step to reduce the pay-scale of the petitioner.

Learned counsel for the petitioner tried to persuade the Court to examine those documents.

The Court is of the opinion that while hearing a contempt petition, this Court may not travel beyond the order passed by this Court. The writ petition was filed for retiral dues



and it was allowed with direction to pay the retiral dues. If the petitioner is aggrieved with any of the action regarding reduction of his pay-scale, he would be at liberty to avail appropriate remedy. At least in contempt jurisdiction, it would be difficult for this Court to pass any favourable order.

In view of facts and circumstances, I do not find any ground to further proceed with the matter.

The petition stands disposed of.

(Rakesh Kumar, J.)

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