

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.801 of 2014

IN

Civil Writ Jurisdiction Case No. 13495 of 2005

- =====
1. Vijay Kant Jha S/O Late Jagdish Jha Resident Of Village Mahendru, P.S. Pirbahore, District Patna, State Bihar.

.... Petitioner/s

Versus

1. Sri Amarjeet Sinha, Principal Secretary, Human Resources Development Department (H.R.D.) Cum Chairman, Bihar State Text Book Publishing Corporation Ltd., Budh Marg, Patna-1.
2. Sri J.K. P. Singh (Jayant Kishore Prasad Singh), Managing Director, Bihar State Text Book Publishing Corporation Ltd., Budh Marg, Patna-1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deoshwar Prasad Singh, Advocate

For the Respondent/s : Mr. Sandeep Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 17-05-2017

Inter alia contending that directions issued on 30th of August, 2011 in C.W.J.C. No.13495 of 2005 has not been complied with, this contempt petition has been filed for initiating action for contempt.

The writ petition was filed seeking payment of certain amount arising out of a contract entered into and it seems that after



some arguments were made and when the Court was not inclined to interfere into the contract matter, the petitioner withdrew the writ petition with liberty to file a representation. The Court observed that the representation should be decided within a particular period of time. *Inter alia* contending that the representation has not been decided, this contempt petition has been filed.

It is seen from the order dated 30th August, 2011 that respondents were not represented and none appeared for the respondent when the matter was taken up and, therefore, it was incumbent upon the petitioner to serve a copy of the order dated 30th August, 2011 on respondent Nos.1 and 2. Petitioner contends in this application that vide Annexure-1, dated 25.8.2012, he has served the copy of the order on the respondents. If the order was passed on 30th of August, 2011 and when the direction was to decide the representation within three weeks, it is not known as to why the petitioner served a copy of the order about a year thereafter on 25.8.2012. That apart, with regard to documents being served on the respondent except for filing copies of the same, there is no proof of service of the representation and documents on the respondent.



That being so, this is not a fit case where contempt application be initiated. The application is, therefore, dismissed.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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