

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1638 of 2017

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Dr. Gajendra Prasad Singh son of Late Deep Narayan Singh, resident of Village & P.O.- Mukrera, Police Station- Revilganj, District- Saran (Bihar).

... .. Appellant/s

Versus

1. Jai Prakash University, Chapra, District- Saran.
2. Sri Lokesh Chandra Prasad, Vice- Chancellor, Jai Prakash University, Chapra, District- Saran.
3. Sri Bibhash Kumar Yadav, Registrar, Jai Prakash University, Chapra, District- Saran.
4. Governing Body, Dr. P.N. Singh Degree College, Chapra, District- Saran through its Secretary.
5. Sri Kumar Pashupati Singh, Son of Not Known, Chairman, Governing Body, Dr. P.N. Singh Degree College, Chapra, District- Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raju Giri, Adv.
For the Respondent/s : Mr. Nagendra Kumar Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2017

Having heard learned counsel for the parties, we find that the learned Contempt Court has simply dismissed the contempt application and has not taken cognizance of the matter. Even though learned counsel appearing for the appellant placing reliance on the case in Midnapore Peoples' Coop. Bank Ltd. & Ors. Vs. Chunilal Nanda & Ors., (2006) 5 SCC 399, emphasized that the L.P.A. is maintainable, the order passed on 8.11.2017 in M.J.C. No.4103 of 2017 reads as under:



"Contempt Application stands dismissed, now, in view of the fact that the Managing Committee was never made a party and no direction was issued to them.

The petitioner is free to pursue the matter with the Managing Committee and it is hoped and expected that the Managing Committee will take a decision without much delay."

From the aforesaid order, in our considered view, it is clear that no direction or mandamus has been issued and, therefore, against an order refusing to take contempt action, this L.P.A. is not maintainable. The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
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