

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3321 of 2016

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Radhey Shyam Pathak Son of late Yadunandan Pathak, resident of Village – Barwan, Police Station – Ander, District – Siwan, retired while working as Incharge headmaster from Govt. Middle School Gaighat, Anchal-Hasanpura, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. R.K. Mahajan, the Principal Secretary, Education Department, Bihar, Patna.
3. Mr. M. Ramchandra Tudu, the Director Primary Education, Bihar, Patna.
4. Mr. Mahendra Prasad, the District Magistrate, Siwan.
5. Mr. Vishwanath Vishwakarma, the District Education Officer, Siwan.
6. Mr. Amrendra Kumar, the District Programme Officer (Establishment), Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

It is the contention of the learned counsel for the petitioner that Annexure-‘B’ to the show cause filed on behalf of the opposite party no. 5 with their supplementary show cause is contemptuous in nature, inasmuch as the District Level Committee has not considered various aspects of the matter which is dealt with by the learned writ court while disposing of the writ application. Learned counsel for the petitioner, however, submits that the order passed by the District Education Establishment



(Promotion, Siwan) as contained in Annexure-‘B’ to the show cause of the opposite party no. 2 has been challenged by the petitioner in a writ application which is pending for consideration before this Court.

Learned counsel for the State submits that from perusal of Annexure-‘B’ it would appear that the Committee has given reasons for rejection of the case of the petitioner and whether those reasons are valid or not, cannot be gone into in this contempt jurisdiction.

Going through the record, this Court does not find any reason to proceed with the contempt application in view of the order as contained in Annexure-‘B’ which is already under challenge in the writ application.

This application is disposed off.

(Rajeev Ranjan Prasad, J)

Ved/-

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