

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4288 of 2016

In
Letters Patent Appeal No.183 of 2014

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Jaymangal Prasad, Son of Sri Banarsi Prasad, Resident of village-
Bhagwanpur, P.O. Gheghwa, P.S. Madhuban, District- East Champaran at
Motihari ... Petitioner

Versus

1. The State of Bihar
 2. Mr. R.K. Mahajan, the Principal secretary, Human Resources Development
(Presently Education Department), Government of Bihar, Patna
 3. Mrs. Varsa Sinha, District Education Officer, East Champaran
 4. Mr. Jagdanand Choudhary, The Block Education Officer, Tetariya, P.S.
Madhuban, District- East Champaran
 5. Mr. Sunil Kumar Gour, the Executive Officer Cum Block Development
Officer, Tetariya, District- East Champaran
 6. Rajeev Kumar Son of sri Uma Shakar Singh Resident of village- Kothiya,
Police Station- Madhuban, District- East Champaran at Motihari
... Contemnors/Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Nawal Kishor Singh, Adv.
For the Ops : Mr. Ashutosh Ranjan Pandey, AAG XV

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

6 04-07-2018 Heard learned counsel for the petitioner; State and

the opposite party no. 5.

2. Though by order dated 27.06.2018, Mr.

Chandra Bhushan Kumar, the present Block Development
Officer, Tetaria, East Champaran, was required to be
present, but the opposite party no. 5, Mr. Sunil Kumar Gour,
who is currently posted as the Block Development Officer,
Zeeradei, in the district of Siwan, is also present and has



filed his show cause. The Court need not go into the details of the issue. The present proceeding has been filed alleging contempt of the judgment and order dated 23.06.2016 passed in L.P.A. No. 183 of 2014. The admitted position is that the order which held that no person can be engaged on the post of Shiksha Mitra and a fresh selection in accordance with law is required to be undertaken in which the petitioner-appellant may also take part, was violated, inasmuch as, the appellant in L.P.A. No. 183 of 2014, opposite party no. 6 herein, was allowed to join as Prakhanda Teacher, which was clearly in the teeth of the order dated 23.06.2016. The person who had committed such gross contempt is opposite party no. 5. Upon his transfer, the incumbent, Mr. Chandra Bhushan Kumar, has taken steps by ensuring that such appointment is terminated. In his show cause filed today, copy of the order has also been brought on record. This takes care of the contempt having been purged. However, the contempt having been committed by opposite party no. 5, though purged by his successor in office, and today in Court, there being no cause shown for such violation of the order of the Court save and



except that the officer was suffering from serious ailment and, thus, could not properly discharge the duty of his office, the Court finds that sufficient ground exist for proceeding against opposite party no. 5 for having committed contempt.

3. However, at this juncture, the opposite party no. 5 volunteered that he may be permitted to compensate the petitioner for having burdened him with moving this Court in this unrequired proceeding which has also financial implications for him. On a query of the Court as to what amount he is ready to give to the petitioner to compensate him by way of cost of litigation etc., he offered Rs.10,000/-. The Court finds that the petitioner has been unnecessary burdened by financial expenditure and harassment for almost two years for having pursued the present application only for getting the order of the Court implemented and, thus, is entitled to such compensation.

4. Coming to the question of acceptance of apology, without recording about the bonafide of the opposite party no. 5, in view of him having offered to compensate the petitioner and the fact that, as of now, the



contempt has been purged, the Court does not propose to proceed any further against him. The opposite party no. 5 shall pay Rs.10,000/- to the petitioner and the petitioner shall grant a receipt for the same, copy of which shall be filed by the learned counsel for the State within four weeks from today.

5. At this juncture, the opposite party no. 5, through his counsel, submitted that he is in a position to arrange the amount of cost and is ready to pay to the learned counsel for the petitioner in cash today itself. The Court finds such arrangement to be more practical. Accordingly, let the opposite party no. 5 pay the said amount to the learned counsel for the petitioner in cash today, as has been submitted by him.

6. Having considered the matter, the application stands disposed off with the observation that the concerned opposite party shall ensure that the seat fallen vacant upon the disengagement of opposite party no. 6 is filled up in future after following the procedure prescribed in law in which all eligible persons, including the petitioner shall be permitted to take part. As the opposite party no. 5, Mr.



Sunil Kumar Gour, has himself volunteered to monetarily compensate the petitioner, the Court would record that payment of such cost to the petitioner shall not be construed as misconduct or entered in his service book.

7. The application stands disposed off in the aforementioned terms. Personal appearance of the officers is discharged.

8. Learned counsel for the opposite party no. 5, Mr. Sunil Kumar Gour, shall file a receipt showing such payment to the learned counsel for the petitioner in the Registry by day-after-tomorrow.

(Ahsanuddin Amanullah, J)

(Madhuresh Prasad, J)

Shamshad/-

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