

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.303 of 2016

In

Civil Writ Jurisdiction Case No. 11259 of 2012

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Md. Akhlaque, Son of Moharram Hussain, R/o Village-Shikarahatta Khurd,
P.S.-Shikarhatta, Distt.-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary Human Resources Development Department Govt. of Bihar, Patna (Shree R.K. Mahajan) null null
2. The Secretary Human Resources Development Department Govt. of Bihar, Patna (Sri R.K. Mahajan)
3. The Director, Primary Education, Human Resources Development Department Govt. of Bihar, Patna (Sri S. Srawa.)
4. The District Superintendent of Education District Programme Coordinator, Bhojpur at Ara (Sri R.K. Sinha)
5. The Block Education Extension Officer Udwant Nagar Blok Distt.-Bhojpur (Mis. Sunita Sinha)
6. The Block Development Officer Udwant Nagar Block Distt.-Bhojpur (Md. Sikandar)
7. The Member District Panchayat at teacher Niyagan Appellate Authority, Bhojpur Ara (Sri Ravi Kumar)
8. The Panchayat Secretary Belaur Panchayat Udwant Nagar Bhojpur Ara (Sr. Chandeshwar Mahto)
9. Nazia Begam Mukhiya, Gram Panchayat Bolaur Udwant Nagar Bhojpur Ara.
10. Roushan Jhan Wife of Md. Riyaz Ahmad Resident of Mohalla-Kazab Tola, Nala Road, P.S.-Ara, District-Bhojpur.
11. Gajela Anzum D/o Gulam Raza R/o Village-Dehra, P.O.-Maniuch, P.S.-Sandesh, District-Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Adv.
For the State : Mr. Gyan Prakash Ojha, GA-7
For the Opposite Party no.1: Mr. Abhinav Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-08-2018 Heard learned counsel for the petitioner and learned
counsel representing the opposite parties.

The petitioner, in this case, is alleging willful



disobedience and disregard to the order dated 20.09.2012 passed in CWJC No.11259 of 2012 by which the learned Writ Court had been pleased to set aside the order dated 06.05.2010 passed by the Tribunal reviewing its own order dated 10.04.2010. A reading of the order would show that this Court had set aside the order dated 06.05.2010 passed by the Tribunal and observed that the validity of the order dated 10.04.2010 remains to be decided in the writ application stated to have been filed by the respondent no.11. This Court does not find any mandamus issued by the learned Writ Court directing the Tribunal to do or to abstain from doing anything.

By enclosing Annexure-2 which is an order dated 08.05.2013 passed in CWJC No.6999 of 2010, learned counsel for the petitioner has shown to this Court that the writ application preferred by respondent no.11 in CWJC No.11259 of 2012 has already been dismissed by the another Writ Court of this Hon'ble Court. Now on the strength of the aforementioned two orders submission of the learned counsel for the petitioner is that in view of the dismissal of the writ application, the Tribunal was obliged to implement its own order and if Tribunal has not implemented its order, it will be a case of contempt which should be initiated by this Court.



Learned counsel for the State is present and has filed show cause on behalf of the opposite party no.8 as also on behalf of the S.P., Ara.

Having going through the materials available on record, this Court finds that in fact what the petitioner is looking for is implementation of the order of the Tribunal through this contempt proceeding. This Court is of the view that if the Tribunal is not implementing its own order which is said to be in favour of the petitioner, the petitioner may apply for an appropriate remedy, but in no case he can pursue this contempt application for that reason. This Court sitting in its contempt jurisdiction is limited to see whether any order of this Court has been willfully disobeyed by the contemnors.

Finding no reason to proceed with the contempt application, the same is dismissed.

(Rajeev Ranjan Prasad, J)

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