

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.516 of 2007

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Sayed Mokhtar Ahshan

.... Petitioner/s

Versus

State of Bihar

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.2983 of 2007

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Sayed Mokhtar Ahshan

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

(In MJC No.516 of 2007)

For the Petitioner/s : Mr. Ved Prakash Srivastava
Mr. Mahesh Narayan Parbat
Mr. Gupteshwar Prasad
Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. (Sc15)
Mr. J.P.Shukla
Mr. Ajit Pratap Singh

(In CWJC No.2983 of 2007)

For the Petitioner/s : Mr. Mahesh Narayan Parbat
Mr. Gupteshwar Prasad
Mr. Sanjay Kumar Jha
Mr. Ved Prakash Srivastava

For the Respondent/s : Mr. (Gp13)
Mr. J.P.Shukla
Mr. Ajit Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 10-01-2018 This contempt application arising from M.J.C.No.516 of 2007 has been filed alleging disobedience of the order passed on 22.12.2006 in C.W.J.C.No.2095 of 2002 whereby the writ petition



was disposed of with the direction to the disciplinary authority to proceed and dispose of the proceeding in accordance with law. It is not in dispute rather admitted that the authorities concerned has disposed of the proceedings and which is put to question in the connected writ petition arising from C.W.J.C.No.2983 of 2007 which has been filed to question the order passed by the Secretary, Bihar School Examination Board whereby the petitioner while questioning the proceedings has also challenged the final order in I.A.No.4883 of 2007 bearing Memo No. Estb. Pre 1242 dated 13.6.2007 passed by the Secretary, Bihar School Examination Board whereby the petitioner has been punished under Rule 43(b) of the Bihar Pension Rules placed on record vide Annexure-7 to the supplementary affidavit filed in the proceedings.

Since the final orders passed in the disciplinary proceedings has already been challenged in the writ petition bearing C.W.J.C.No.2983 of 2007 which has been admitted by a coordinate bench of this Court, by filing an interlocutory application in the pending writ petition, the petitioner would be at liberty to raise all issues as raised herein when the said writ petition is taken up for final hearing.

Since the order passed in C.W.J.C.No.2095 of 2002 is complied by passing of the order dated 13.6.2007, no cause for



proceeding in contempt arises and as a consequence M.J.C.No.516 of 2007 is disposed of.

Let C.W.J.C. No. 2983 of 2007 be accordingly placed before the appropriate bench for hearing as per roster after obtaining permission of Hon’ble the Chief Justice.

(Jyoti Saran, J)

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