

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.172 of 2015

IN

Miscellaneous Jurisdiction Case No. 423 of 2012

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1. Surendra Kant Jha Son of Late Yugal Kishore Jha resident of Village - Daldal, P.S. - Bheja (Madhepur), District - Madhubani.
 2. Radha Kant Ray Son of Late Kedar Ray R/o Vill. - Adharpur, P.O. - Adharpur, P.S. - Ghanshyampur, Distt. - Darbhanga.
 3. Lakshman Jha Son of Sri Kusheshwar Jha R/o Vill. - Makuma, P.S. - Chatra, Via - Khagaul, P.S. - Khajauli, District Madhubani.
 4. Kashi Naresh Jha Son of Late Mangnu Jha R/o Vill. - Singia, Deodhi, P.O. Singia Deodhi, P.S. - Bisphi, District - Madhubani.
 5. Laskhman Mishra Son of Sri Santoshi Mishra R/o Vill. - Chahuta, P.O. Kamtaul, P.S. - Bisfi, District - Madhubani.
 6. Gulab Kant Jha Son of Late Surya Narayan Jha R/o Vill. Panchagama, P.O. Haripur, P.S. - Rosera, District - Samastipur.
 7. Dr. Bhogendra Kumar Jha Son of Late Chandra Kant Jha R/o Vill. - Chataviya, P.O. Subhankarpur, P.S. Sadar, Darbhanga (Mabbi O.P.), District - Darbhanga.
 8. Dr. Gauri Shankar Jha Son of Late Chandra Shekhar Jha R/o Moh. - Kathalwari, P.O. Lalbagh, P.S. L.N.M.U., Darbhanga, Distt. - Darbhanga.
 9. Dr. Arman Alam Son of Late Anis Alam R/o Vill. - Sheikhpora, Dani, P.O. - Dohgerwara, P.S. - Keoti, Distt. - Darbhanga.
 10. Dr. Rama Kant Lal Karn Son of late Brahmadeo Lal Das R/o Vill. - Bikrampur, P.O. - Hardia, P.S. - Pupri, Distt. - Sitamarhi.
 11. Dr. Radheshyam Mandal Son of late Darpi Mandal R/o Village & P.O. - Chandauna, P.S. - Jaley, Distt. - Darbhanga.
 12. Md. Aqilur Rahman Son of Late Md. Ahsan R/o Moh. - Kathalwari, P.O. Lalbagh, P.S. L.N.M.U., Darbhanga, Distt. - Darbhanga.
 13. Madhav Chaudhary Son of late Deo Kant Chaudhary R/o Vill. - Sahora, P.O. - Anandpur, P.S. - Ashok Paper Mill, District - Darbhanga.
 14. Subodh Chandra Yadav Son of Suresh Chandra Yadav R/o Moh. - Kathalwari, P.O. Lalbagh, P.S. L.N.M.U., Darbhanga, Distt. - Darbhanga.
 15. Hemendra Narayan Singh Son of late Asharfi Singh R/o Vill. - Khaira, P.O. - Khaira, P.O. - Pator, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. R.K. Mahajan, I.A.S. Principal Secretary, to Govt. of Bihar, Patna.
2. Dr. R.K. Mahajan, I.A.S. Principal Secretary to Govt. of Bihar in the Department of H.R.D. Patna.
3. Dr. Saket Kushwaha, V.C.L.N. Mithila University, Darbhanga.
4. Dr. Ajit Kumar Singh, Registrar, L.N. Mithila University, Darbhanga.
5. Sri Mantosh Roy, Malakar, Finance - Advisor, L.N. Mithila University, Darbhanga.
6. Sri Keshav Kumar, Finance Officer, L.N. Mithila University, Darbhanga.

.... Respondent/s

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Appearance :



For the Petitioner/s : Mr. A B Ojha
Mr. Sri Niwas Jha and Mr. Anand Vardan
For the Respondent/s : Mr. Ajay Bihari Sinha

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date: 05-01-2018

Inter alia, contending that an order passed in a contempt proceeding, namely, MJC No. 423 of 2012 and MJC no. 1788 of 2011 on 13.11.2013 has not been complied with this application has been filed for initiating action for contempt.

A perusal of the order passed breach of which is complained in this application goes to show that various contempt applications more 50 in number were disposed on 13.11.2013 wherein being satisfied with the statement made by the State Government and finding their substantial compliance the contempt petitions were disposed of only with a direction that those of the employees who have been re-designated as Demonstrator and who had requisite qualification the question of enhancement in their pay scale having been completed 16 years of service a decision has been taken.

Now from the counter affidavit filed by the respondents and the averments made in paragraph-8 it is seen that during pendency of the earlier contempt petitions the Government vide Memo dated 20th October, 2013 decided to grant pay scale of Rs.5500-9000/- (unrevised) notionally with effect from 01.01.2006



and actually with effect from 01.04.2007 and certain benefits have been granted to the petitioners. It is stated that now no further compliance is required to be made in the matter and by Memo on record the order at Annexure-A dated 10.10.2015 passed in the matter it is stated that the order has been complied with. However, it is the case of the petitioners that on re-designation pay has not been properly fixed, the pay band has not been granted to them and it is the case that the admissible pay scale to the petitioners has not been granted.

Taking note of the compliance reported by the respondents this Court does not deem it appropriate to proceed further in the matter. The University in the show cause filed by them on 17.08.2010 indicated as to how and what manner the compliance has been made and it is stated that admissible pay scale of the petitioners in the scale has been granted to them whereas the scale of Rs.8000-13500/- and Rs.15600-39100/- is the pay scale admissible to the teachers and the petitioners being declared non-teaching staff by the State Government this benefit cannot be claimed by them,

Be that as it may, the documents filed by the respondents goes to show that certain payments have been made and claim of the petitioners has been settled as it detailed in Annexure-B to the show



cause wherein details of payment to the petitioners totaling amounting to Rs.28,85,118/- has been indicated. Taking note of the aforesaid, I see no reason to proceed in the matter any further. The respondents having settled the claim of the petitioner as per their contention detailed in the show cause no further indulgence is called for. In case the petitioners have any grievance still subsisting with regard to the issue liberty shall be available to the petitioners to claim it in accordance with law.

In the light of the compliance report of the respondents this Court does not deem it appropriate to proceed further in the matter. This application stands disposed of accordingly.

(Rajendra Menon, CJ)

mrl/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2018
Transmission Date	

