

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3078 of 2013

In
Civil Writ Jurisdiction Case No.13009 of 2001

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1. Bihar State Adult And Non-Formal Education Office Employees Association Through Its General Secretary Bipin Bihari Rai Son Of Shri Rajiv Ranjan Rai Previously Resident Of Mohalla- Gardanibagh, P.S. Gardanibagh, Town And District- Patna, Presently Resident Of Mohalla- New Dashratha, P.S. Beur, District- Patna
 2. Pyarchand Kumar Mohan Son Of Late Ramesh Chandra Arya Resident Of Anand Niketan, Village- Gondapur, P.S. Nawada Sadar, District- Nawada
 3. Chandrabhushan Ojha Son Of Sri Ram Chandra Jha Resident Of Village- Rewari, P.S.- Angarghat, District- Samastipur
 4. Jagdish Jha Son Of Sri Motilal Jha Resident Of Village- Mehath, P.S. Jhanjharpur, District- Madhubani
 5. Nand Kishore Ram Son Of Sri Shiv Balak Ram Resident Of Village- Nai Haveli (NADAWA), P.S.- Dhanarua, District- Patna
 6. Bipin Bihari Rai Son Of Sri Rajiv Ranjan Rai Previously Resident Of Mohalla- Gardanibagh, P.S. Gardanibagh, Town And District- Patna, Presently Resident Of Mohalla- New Dashratha, P.S. Beur, District- Patna
 7. Radha Mohan Prasad Son Of Sri Shiv Mandal Prasad Resident Of Village- Narayanpur, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Main Secretariat, Bihar, Patna
2. Sri A.K. Sinha Name Of Father Not Known To The Petitioner Chief Secretary To The Government Of Bihar
3. Sri Amarjit Sinha Name Of Father Not Known To The Petitioner Principal Secretary, Secondary, Primary And Adult Education Department, Government Of Bihar, New Secretariat, Vikas Bhawan, Bailey Road, Patna
4. Sri Satyanarain Paswan, Deputy Secretary, Secondary, Primary And Adult Education Department, Government Of Bihar, New Secretariat, Vikas Bhawan, Bailey Road, Patna
5. Sri Jitendra Prasad Name Of Father Not Known To The Petitioner Director, Directorate Of Adult And Non-Formal Education (Now Known As Directorate Of Mass Education), Human Resources Development Department, New Secretariat, Vikas Bhawan, Bailey Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Sunil Kr. Mandal, S.C. 3
		Ms. Neelam Kumari, AC to SC 3
		Mr. Bipin Kumar, AC to SC 3



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-10-2018

1. What is alleged in the present petition is non-compliance of the order passed by the Division Bench of this Court dated 25.04.2008. passed in C.W.J.C. No. 13009 of 2001 and other allied writ petitions insofar as not paying the back wages for the intervening period is concerned.

1.1 Having heard learned Counsel appearing on behalf of the respective parties and even considering the order dated 25.04.2008, passed in C.W.J.C. No. 13009 of 2001, of which contempt/non-compliance is alleged, at the outset it is required to be noted that as such there is no specific direction with respect to the back wages. The Division Bench observed that it shall be open for the petitioners and all its members to enforce the order of the Division Bench in relation to back wages. Therefore, as such no specific order was passed with respect to back wages.

2. Under the circumstances, it cannot be said that there is any non-compliance of the order passed by the Division Bench of this Court, as alleged. Even as per the decision of the Hon'ble Supreme Court in the case of State of Bihar And Others Vs. Arun



Kumar, reported in (2016) 13 SCC 218, the issue with respect to back wages and the past services is required to be agitated before an appropriate Court.

3. Under the circumstances, the present contempt petition is dismissed.

3.1 As and when fresh proceedings are preferred, the same will be considered in accordance with law.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.10.2018
Transmission Date	N/A

