

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.343 of 2018

In

Civil Writ Jurisdiction Case No.16819 of 2015

Dr. Syed Hassan Son of Late Maulana Amir Hasan Permanent resident of village - Chandanpatti, P.S. Pator, District - Darbhanga, at Present resident of Royal Hashmat Villa, Near Patna Nursery, Ashiana Road, P.O. B.V. College, P.S. L.B. Shastri Nagar, Patna 14

... .. Petitioner

Versus

1. The State Of Bihar
2. Sri R.K. Mahajan, Principal Secretary, Human Resources Development Higher Education Department, Go
3. Dr. Awadh Kishore Roy, Vice Chancellor, B.N. Mandal University, Madhepura- 852113.
4. Dr. Narendra Srivastava, Registrar, B.N. Mandal University, Madhepura- 852113.
5. Sri C.R. Digwal, Financial Advisor, B.N. Mandal University, Madhepura- 852113.
6. Sri Harikesh Prasad Singh, Finance Officer, B.N. Mandal University, Madhepura- 852113.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Hemendra Prasad Singh, Sr. Adv. Mr. Mohammad Sufyan, Adv.
For the State	:	Mr. Ram Vinay Pd. Singh, A.C. to GA-XII
For the University	:	Mr. Pushkar Narain Shahi, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 18-09-2019 Heard Mr. Hemendra Prasad Singh, learned senior advocate appearing for the petitioner and Mr. Pushkar Narain Shahi, learned senior advocate appearing for the University.

The instant application has been filed by the petitioner for initiating a contempt proceeding against the opposite parties for willful defiance to the order dated 10.10.2017 passed in CWJC No. 16819 of 2015.



The operative part of the order dated 10.10.2017 reads
as under :-

“4. As the matter relates to accounting, I deem it appropriate that the petitioner may file a detailed representation highlighting his claim before the Registrar of the University within four weeks from today. In case of filing of such a representation, the Registrar of the University shall be required to either personally examine the claim of the petitioner or to get it examined by the Finance Officer of the University/Auditor of the State Government and after getting the claim of the petitioner examined, a reasoned order should be passed meeting all the points raised by the petitioner within four weeks from the date of filing of the representation. In case any amount is found payable to the petitioner, the same should also be paid within four weeks thereafter.

5. In case the claim of the petitioner is rejected, the reasoned order must be communicated to the petitioner on his postal address.”

It is admitted by the petitioner that after filing of the representation, the claim of the petitioner was examined and an order disposing of the representation of the petitioner has



already been passed on 17.08.2019.

Learned senior advocate appearing for the petitioner submitted that on perusal of the order passed by the opposite parties, it would be evident that there is some calculation mistake on the part of the opposite parties in payment of retiral dues, arrears of salary and pension. He tried to impress upon the Court to examine the issue and pass a fresh mandamus against the opposite parties in the present application.

In the opinion of this Court, in case the petitioner is aggrieved by the order passed by the opposite parties, the remedy would be available to him under Article 226 of the Constitution of India and not in a contempt proceeding. In a contempt proceeding, the Court has simply to see as to whether the directions given in the writ petition have been complied with or not.

Since the order dated 10.10.2017 has already been complied with, no case for initiation of contempt proceeding is made out. The application is dismissed.

(Ashwani Kumar Singh, J)

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