

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1261 of 2018

In
Civil Writ Jurisdiction Case No.2259 of 2016

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Bindu Kumari wife of Manjay Kumar, resident of Village- Karhari, Gram Panchayat- Budhwara, Post- Sughari, Police Station- Gobindpur, District- Nawada, Pin- 805126.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Atul Prasad, the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. Sri R.S.P. Daftuar, the Director, Integrated Child Development Scheme, Government of Bihar, Patna.
4. Sri Kaushal Kumar, District Magistrate, Nawada.
5. Md. Kabir District Programme Officer, Nawada.
6. Smt. Ruby Kumari, Child Development Project Officer, Gobindpur, District- Nawada.
7. Usha Kumari, Daughter of Shri Sahdeo Prasad, wife of Shashi Bhushan Prasad, resident of Village- Karhari, Post- Sughari, Police Station- Gobindpur, District- Nawada, Pin- 805126.
8. Sri Milind Kumar Sinha, Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar, Adv.
For the Opposite Party/s : Mr.Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date: 15-05-2019

Heard Mr. Alok Kumar, learned counsel for the
petitioner and learned counsel for the State.

By the order passed by this Court dated 20.12.2017
in the writ proceeding the District Magistrate, Nawada was
directed to dispose of the case No. 19(M) of 2014 in accordance
with law.



The complaint of Mr. Alok Kumar, learned counsel for the petitioner is that though the direction was given to the District Magistrate, Nawada to dispose of the case but he has delegated this jurisdiction on the District Programme Officer which itself is a contempt.

I have examined the order of the District Magistrate, Nawada dated 09.02.2018 whereby the matter was transferred to the District Programme Officer and I find that it is much prior to the disposal of the writ petition on 20.12.2017 that the Case No. 19(M) of 2014 had already been disposed of by the District Magistrate on 15.05.2014 with certain directions to the petitioner which were not carried out. It is thus in purported compliance of the direction and since the Miscellaneous case referred to by this Court had already been disposed that the District Magistrate chose to direct the District Programme Officer to examine the grievance in the backdrop of the materials on record and for its disposal which has come through the order dated 24.02.2018 of the District Programme Officer whereby the qualification of the private respondent, complained of on its veracity, has been upheld by the District Programme officer and which obviously does not satisfy the petitioner. That the issue has since been given a finality, I do not



find any reasons for proceeding in the contempt application for neither the order passed by the District Magistrate dated 09.02.2018 requiring the District Programme Officer to examine the issue of genuineness of the qualification of the private respondent commits any contempt nor the order of the District Programme Officer passed in compliance thereto suffers from jurisdictional error. In so far as the merits of adjudication is concerned, the petitioner would be at liberty to question the same in appropriate proceeding.

With the observations above, the contempt application is disposed of.

(Jyoti Saran, J)

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