

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.443 of 2022

Arising out of

Miscellaneous Jurisdiction Case No.650 of 2022

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Mumukshu Kumar Choudhary, Male, aged about 51, son of late Jagdish Choudhary, resident of village and P.O.- Palatpura, P.S.- Manpur, District- Nalanda at Biharsharif, present posted as Director, D.R.D.A. Sitamarhi.

... .. Appellant/s

Versus

1. Bijendra Kumar, son of Ram Chandra Rai, resident of Village- Patania, Tola- Bunyadi Tola, Ward No. 9, Block- Riga, District- Sitamarhi.
2. Ram Ekwil Prasad, son of Yogendra Sah, resident of Ward No. 1, Matiyar Khurd, M. Kala Bihar, P.S.- Sariyara, District- Sitamarhi.
3. The State of Bihar.
4. Mr. Sunil Kumar Yadav, the District Magistrate, Sitamarhi.
5. Mr. Vinay Kumar, the District Development Officer, Sitamarhi.
6. Mrs. Epi Chaudhary, the District Certificate Officer, Sitamarhi.
7. Mr. Ashutush Anand, the Block Development Officer, Riga, District- Sitamarhi.
8. Mr. Har Kishore Rai, the Superintendent of Police, Sitamarhi.
9. Mr. Sanjay Kumar, Office In-charge, Riga Police Station- Sitamarhi.
10. Rakesh Ranjan, Officer In-charge, Sahiyara Police Station, Sitamarhi. Vijay Kumar Mishra, Male, aged about 37 years, son of late Indra Narayan Mishra, resident of Ward No. 08, Dharampur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushkar Narain Shahi, Senior Advocate with
Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mr. Md. Shahid Siddiqui, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 22-12-2022

Heard Mr. Pushkar Narain Shahi, learned senior
counsel along with Mr. Mritunjay Kumar, learned counsel for



the appellant and Mr. Md. Shahid Siddiqui, learned AC to AAG 5 for the State.

2. The appellant has moved the Court being aggrieved by judgment and order dated 03.08.2022 passed in MJC No. 650 of 2022 by the learned single Judge.

3. By the said order, the appellant has been directed to be proceed against departmentally. On 03.11.2022, the Court had passed detailed order and had granted leave to the appellant to maintain the appeal and had also granted interim stay against such order.

4. Learned counsel for the appellant submitted that besides him not being made a party, no contempt had been committed by him as has been noticed by the Court in its order dated 03.11.2022. Further, it was submitted that because the appellant at the relevant time, when the learned single Judge was hearing the case, had taken over charge of another post, he was neither heard nor present when the Court was considering the matter. Thus, it was submitted that the appellant did not have opportunity to explain his conduct. However, it was submitted that the appellant has filed a supplementary affidavit in which unconditional apology has been tendered for any inadvertent mistake in making the observation to the effect that if the



certificate debtors do not deposit the entire certificate amount by 25.02.2021, bailable warrant would be issued against them while passing the order dated 25.01.2021 in Certificate Case No. 01/2017-2018.

5. Having considered the issue, the Court finds that the appellant is required to be given benefit of doubt and no deliberate and willful disobedience can be said to be made out against the conduct of the appellant.

6. However, the Court would observe that the appellant is required to be careful and cautious and also mindful of any order/observation made by the Court towards which he is not only required to be sensitive but also to fully comply the same. Learned counsel for the appellant assured that in future the appellant would not commit such error.

7. Learned counsel for the State also does not oppose the prayer of the appellant.

8. Having considered the submissions of learned counsels for the parties and taking into consideration the factual aspect, the appeal is allowed. The judgment and order of the learned single Judge dated 03.08.2022 passed in MJC No. 650 of 2022 to the extent by which departmental proceeding has been directed to be initiated against the appellant stands set



aside. If during the interregnum period the authorities have started any departmental proceeding, the same shall also stand closed.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

J. Alam/-
Anjani

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