

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1941 of 2022

In
Civil Writ Jurisdiction Case No.7257 of 2022

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Anju Kumari Wife of Chandra Bhushan Prasad, Resident of Village-
Chaurbigaha, P.O.-Jagdishpur Tiary, Paparnosha, P.S. and District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Pratyaya Amrit, the Addl. Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Dr. Maheshwar Prasad Gupta, Director-in-Chief, Health Services, Govt. of Bihar, Patna.
4. Dr. K. K. Mishra, the Chief Medical Officer-cum-Civil Surgeon, Madhubani.
5. The Incharge Medical Officer Primary Health Centre, Babubarhi, Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar, Advocate

For the Opposite Party/s : Mr. Birju Prasad (Gp13)

Ms. Shweta Anand, AC to Gp13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-12-2022 This contempt application has been filed alleging

disobedience of this Court's order dated 19.05.2022, operative

portion of which reads as under:-

*"At this stage learned counsel
for the petitioner submitted that the
transferring authority was required to
take note of Circular No. 15054, dated
06.10.1967. The same shall be taken note
of by the second respondent before
considering the petitioner's*



representation."

It is the case of the opposite parties that in compliance of the said order dated 19.05.2022, the Director-in-Chief, Health Services, Government of Bihar, passed an order dated 21.07.2022 rejecting the petitioner's representation.

When this contempt application was taken up by this Court on 19.10.2022, noticing the fact that the order dated 21.07.2022 had not taken into account the circular dated 06.10.1967 (supra), the Court passed the following order:-

" Respondent No. 3- Director-in-Chief, Health Services, Government of Bihar, Patna, who is the author of Annexure-A is hereby directed to appear in person for the reasons that there is no discussion as to why the circular No. 15054 dated 06.10.1967 is not applicable to the petitioner's case."

A supplementary show cause reply has been filed on behalf of the opposite parties.

The Director-in-Chief, Health Services, Government of Bihar, is personally present in Court. A revised reasoned order passed on 21.10.2022 has been brought on record by way of Annexure-A to the supplementary show cause explaining therein as to why the said circular dated 06.10.1967 was not applicable in the present case.



Learned counsel appearing on behalf of the petitioner has submitted that the respondents have attempted to mislead this Court taking an incorrect stand that the said circular dated 06.10.1967 has since expired. He contends that the said circular is still in operation and the opposite parties have wrongly mentioned the same to have expired.

Be that as it may, in my opinion, since reasoned order has been passed afresh in the light of this Court's order dated 19.10.2022, which refers to the circular dated 06.10.1967 which was required to be considered while passing the petitioner's representation, no case is made out of deliberate disobedience of this Court's order. The contempt proceeding stands dropped accordingly.

The personal attendance of the Director-in-Chief, Health Services, Government of Bihar stands dispensed with.

(Chakradhari Sharan Singh, J)

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