

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4789 of 2019

In

Miscellaneous Jurisdiction Case No.2796 of 2019

Arjun Thakur, Son of Late Siyaram Thakur, Resident of Village- Sanjat, P.S.-
Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

1. Sri R. K. Mahajan, through the Secretary - Cum Commissioner, Human Resources Development Department Govt. of Bihar, Patna.
2. Sri Anil Kumar, Additional Secretary Human Resources Development Department, Govt. of Bihar, Patna.
3. Sri P.N. Narayan, the Secretary-cum-Commissioner Finance Department, Govt. of Bihar, Patna.
4. Sri Devendra Kumar Jha, the Special Deputy Director (In-charge Sanskrit Education), Govt. of Bihar, Patna.
5. Sri Parmanand Thakur, the Bihar Sanskrit Shiksha Board through the Secretary, East Boring Canal Road, Patna.
6. Sri Ram Bahadur Mahto, the Managing Committee through the Secretary of Primary-cum-Madhya Sanskrit Vidyalaya Mahadeo Asthan, Sanjat, P.S. and District- Bhagalpur.
7. Sri Kailash Mahto, Incharge Headmaster, Primary cum - Madhya Sanskrit Vidyalaya Mahadeo Asthan, Sanjat, P.S. and District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv
For the Opposite Party/s : Mr. Vinay Kumar Mishra, AC to AAG-15
Mr. Satyam Shivam Sundaram, Adv
Mr. Amit Narayan, Adv
Mr. Abhigyan Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 02-11-2022 Heard learned counsel for the petitioner as well as learned
counsels for the State and Opposite Party (O.P) no. 7.

The restoration application has been filed for restoration
of the contempt proceedings in MJC No. 2796 of 2019.

The grounds urged for restoration are that the petitioner's
counsel was ill and, thus, could not appear when MJC No. 2796
of 2019 was called on 06.11.2019.

Considering the said reason to be sufficient cause for
restoration, the prayer for restoration is allowed.



MJC No. 2796 of 2019

The contempt was filed alleging non-compliance of the order dated 04.12.2018 passed in CWJC No. 8929/2017, which reads as follows:

"Heard learned counsel for the petitioner as well as learned counsel for the respondents.

Learned counsel for the petitioner submits that the petitioner would be approaching the Headmaster, Primary Cum Madhya Sanskrit Vidyalaya Mahadeo Asthan Sanjat, P.S. Bhagwanpur District- Begusarai (respondent no.7) so as to request him to ensure compliance of office order dated 16.3.2016 (annexure 3), issued by the District Programme Officer, Begusarai with respect to payment of arrears of salary.

In view of the aforesaid submission, the writ petition is disposed of with the aforesaid liberty to the petitioner.

Needless to say that if the petitioner approaches respondent no.7, he would decide the matter in accordance with law expeditiously."

The O.P No. 7, after due notice in the instant proceedings, has appeared. He has submitted that the show-



cause is already on record; and the file of contempt proceedings, which also is a matter tied up with this Bench, is also available in Court.

Since the restoration MJC No. 2796 of 2019 arises out of the instant contempt proceedings, the counsel for the petitioner is agreement with the counsel for the O.P No. 7 and with consent of parties, the Court is proceeding to look into the main contempt proceedings.

The specific averment of O.P No. 7 is that petitioner has never approached him pursuant to this Court's order dated 04.12.2018.

Learned counsel for the petitioner has also not been able to show from any documents that any application was received in the office of O.P No. 7.

This Court would thus find that no case is made out for contempt of order dated 04.12.2018 passed in CWJC No. 8929/2017, since the petitioner has never approached the Respondent No. 7 pursuant to the order passed in the writ proceedings.

The contempt petition is dismissed.

(Madhuresh Prasad, J)

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