

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.12 of 2022

In
Civil Writ Jurisdiction Case No.15679 of 2021

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Phate Bahadur Singh, S/o Late Daroga Singh Mohalla - Pali, Ward No. 13,
Post - Dalmianagar, Thana - Dihri, District- Rohtas, Member , Biahir Vidhan
Sabha.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna, Sri Aamir Suhani.
2. State Election Commissioner, Bihar, Patna Shri Dr. Dipak Prasad.
3. District Magistrate, Rohtas Shri Dharmendra Kumar.
4. Circle Officer, Dihri, Anamika Kumari.
5. Smt. Vishakha Singh W/o Sanjeet Kumar Singh Mohalla - Rajputana Dihri,
Post - Dihri, Thana - Dihri, District- Rohtas, Nagarpalika Member cum
Sabhapati, Nagar Parishad, Dihri, Dalmianagar, Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Indradeo Prasad, Advocate
For the E.C.	:	Mr. Shanjeev Nikesh, Advocate
		Mr. Girish Pandey, Advocate
For the State	:	Mr. P.K. Shahi, A.G.
		Mr. Yogendra Prasad Sinha, AAG-7
		Mr. Shankar Kumar, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 26-09-2023 The matter has been heard through video conferencing.

2. The present M.J.C. application is filed for non-compliance of order dated 13.09.2021 passed in C.W.J.C. No. 15679 of 2021. On 29.08.2023 and 12.09.2023, the following orders were passed:



29.08.2023

"The present M.J.C. is filed for non-compliance of the order dated 13.09.2021 passed in C.W.J.C. No. 15679 of 2021 read with the petitioner's representation dated 29.09.2021. If the concerned authority fails to comply the orders of this Court read with petitioner's representation dated 29.09.2021, Contempt of Courts' proceedings will be initiated under Rule 7(i) read with Form 1 of [Chapter XXVIII] Rules of the High Court at Patna under the Contempt of Courts Act, 1971 (Act 70 of 1971).

2. In this regard, the concerned respondent is hereby directed to file his reply as to why contempt proceedings shall not be initiated against him.

3. Re-list this matter on 12.09.2023."

12.09.2023

"On 29.08.2023 specific order was passed and it reads as under:-

" The present M.J.C. is filed for non-compliance of the order dated 13.09.2021 passed in C.W.J.C. No. 15679 of 2021 read with the petitioner's representation dated 29.09.2021. If the concerned authority fails to comply the orders of this Court read with petitioner's representation dated 29.09.2021, Contempt of Courts' proceedings will be initiated under Rule 7(i) read with Form 1 of [Chapter XXVIII] Rules of the High Court at Patna under the Contempt of Courts Act, 1971 (Act 70 of 1971).

2. In this regard, the concerned respondent is hereby directed to file his reply as to why contempt proceedings shall not be initiated against him.

3. Re-list this matter on 12.09.2023."

2. There is no reply from the Contemnor- Chief Secretary. Learned counsel for the State- respondent submitted that matter is under active consideration. If it is so, reply should have been filed stating that the grievance of the petitioner is under active consideration. The Officer is bound by the previous order and in not filing reply, the Chief Secretary, Govt. of Bihar, Patna is hereby directed



to appear in person for facing contempt proceedings.

3. Re-list this matter on 26.09.2023”.

3. It is noticed that how the officials-Respondents have committed contempt of Court with reference to factual aspects of the matter. Order of this Court is dated 13.09.2021 & representation of the petitioner is dated 29.09.2021. Whereas notice to the contesting party was issued only on 08.03.2023/09.03.2023. Therefore, the concerned officials opened their eyes to comply orders of this Court after about 1 ½ years. Thereafter, 6 months overall about 2 years to comply. No application for extension of time & explanation to examine delay. This is not an isolated case.

4. On 18.09.2023, the orders of this Court dated 13.09.2021 read with the petitioner's representation dated 29.09.2021 has been complied to that effect show cause notice along with the documents have been placed on record. The relevant document is Annexure-C dated 18.09.2023.

5. In so far as the personal appearance of the Chief Secretary is concerned, it is submitted that he he suffering from certain serious illness to that effect an application has been filed for dispensation of his personal appearance. The same is taken note of and his personal appearance stands dispensed with.

5. In view of these developments, the present



M.J.C. application/contempt proceeding stands dropped.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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