

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.350 of 2023

In

Civil Writ Jurisdiction Case No.1249 of 2021

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1. Dr. Rakesh Ranjan Son of Braj Kumar Singh, Resident of Braj Geet Kunj, Indrapuri Colony, Raja Bazar, Near Indian Gas Godown, Rukanpura, B.V. College, Danapur, P.S.- Shashtrynagar, District - Patna.
 2. Dr. Santosh Kumar Mishra, son of Krishna Bihari Mishra, Resident of - Flat No. - 201, C.M. Balaji Complex, Ashok Nagar, Road No. 1/F, Kankarbagh, P.S. Kankarbagh, District - Patna.
 3. Dr. Sanjay Kumar, Son of Rampramahans Singh, Resident of - M I G- 138, Yashoda Devi Path, Kankarbagh, Lohia Nagar, P.S. - Kankarbagh, District - Patna.
 4. Dr. Ashutosh Kumar, son of Shailendra Kumar, Resident of Flat No. 204, Saryu Apartment, Buddha Colony, P.S. - Buddha Colony, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Amir Subhani, the Chief Secretary, Government of Bihar Patna.
2. Mr Pratyay Amrit, Additional Chief Secretary/the Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Mr. B. Rajender, the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. Mr. S. Siddharth, Principal Secretary, Department of Finance, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Opposite Party/s : Mr. P.K. Shahi, Advocate General
Mr. S.D. Yadav, AAG 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL ORDER

5 03-05-2023 Heard learned counsels for the respective parties.

2. The present MJC is filed for non-compliance of the
order dated 17.12.2021 passed in CWJC No. 1249 of 2021.

Direction was required to be complied in passing speaking order



within a period of two months. However, the concerned respondent has taken sweet time of more than one year in complying the order. That too when bailable warrant was issued on 19.04.2023. Infact his personal appearance was ordered and he failed to appear and it was resulted in issuing bailable warrant.

3. Today, the concerned officer *Mr. Pratyaya Amrit*, Additional Chief Secretary, Health Department, Government of Bihar is present in the Court. In view of compliance of the order on 30.04.2023, the contempt proceedings stands dropped while discharging respondent from contempt proceedings.

4. This Court has come across in number of cases especially in contempt matters invariably there are non-compliance of Court orders for number of years. In other words, State Government is not implementing the orders of this Court within the time limit stipulated. If the officers have any difficulties in implementation of the Court's order, they have other option of approaching next higher forum or seeking extension of time for compliance, before time limit is expired. All these remedies have not been taken note of, on the other hand keep on committing contempt of Court which has resulted in personal appearance, cost, bailable warrant etc. The State



must take note of these issues for the purpose of identical matters of contempt so as to avoid embarrassing situation in the Court on behalf of State.

5. Petitioners are at liberty to question the validity of the order dated 30.04.2023 in accordance with law, if they are feeling aggrieved.

(P. B. Bajanthri, J)

GAURAV S./-

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