

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.846 of 2010

Sanjay Kumar, S/O Sri Kameshwar Pathak, R/O Village Pansuhi, P.O- Sihi,
P.S- Dulhin Bazar, District- Patna.

... .. Petitioner.

Versus

1. The State of Bihar through Sri Anup Mukherjee, the Chief Secretary, Bihar, Patna.
2. Sri Deepak Kumar, the Secretary Personnel And Administrative Reforms Department, Bihar , Patna.
3. Sri Anjani Kumar Singh, the Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna.
4. Sri K.K Pathak, the Secretary Department of Higher Education, Bihar, Patna.
5. Sri Anil Kumar, the Secretary, Department of Secondary Education, Bihar, Patna.
6. Sri Kamal Kishore Sinha, the Director Department of Higher Education, Bihar Patna.
7. Sri Kamal Kishore Sinha, the Director Department of Secondary Education, Bihar , Patna

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh, Senior Advocate.
For the State	:	Mr. P.K. Shahi, Advocate General.
		Mr. Vipin Kumar, AC to Advocate General.
		Mr. Anant Prasad Singh, SC-15.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

9 06-11-2023 Pursuant to the previous order, Mr. Amir Subhani,

Chief Secretary of the State of Bihar, Patna, is present via

Hybrid Mode.

2. The present M.J.C. petition is filed for non-
compliance of the order dated 17.11.2009 passed in C.W.J.C.



No.5129 of 2009 and connected matter.

3. The State of Bihar feeling aggrieved by the order dated 17.11.2009 passed in C.W.J.C. No.5129 of 2009 and connected matter, preferred Civil Appeal No.4274 of 2014 in which the Hon'ble Apex Court has set aside the order of this Court dated 17.11.2009 on 06.01.2016. However, the matter was remanded.

4. Be that as it may, the present Contempt Petition itself is not maintainable after 06.01.2016, the date on which the Hon'ble Apex Court set aside the subject matter of impugned order dated 17.11.2009. However, neither the petitioner nor the respondents have apprised this Court from 06.01.2016 to this day to the extent that the present Contempt Petition is not maintainable in view of the later developments of the Hon'ble Apex Court dated 06.01.2016 passed in Civil Appeal No.4274 of 2014.

5. Due to lack of understanding the present lis by either of the counsels resulted in summoning the Chief Secretary of the State of Bihar, Patna. Further, it is to be noted that one of the reasons for summoning the Chief Secretary is that there was no appearance on behalf of the State on an earlier occasion.



6. The State must undertake all necessary steps to update the pending cases from time to time or review the office file and they cannot sleep over the matter after certain development in the Superior Courts/Forum. They have to take further action in respect of pending litigation before any other forum or court.

7. With the above observations, this M.J.C. Petition/Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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