

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1597 of 2018

In
Miscellaneous Jurisdiction Case No.2550 of 2015

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Narayan Dutta Mishra Son of late Badri Mishra Resident of Village- Ankuri,
P.S. Paliganj, Distt- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Tasminur Rahman, Special Director, Secondary Education, Bihar, Patna.
3. Sri. Milind Kumar Sinha, The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. Sri Rameshwar Singh, the Chairman, Bihar Sanskrit Shiksha Board, Patna.
5. Sri. Jyoti Kumar, District Education Officer, Patna District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate
For the Opposite Party/s	:	Mr. Abhanjalli, AC to GA - 12
For the Board	:	Mr. Satyam Shivam Sundram, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-09-2023

Heard Mr. Durga Nand Jha, learned counsel appearing on behalf of the petitioner, Ms. Abhanjalli, learned counsel for the State and Mr. Satyam Shivam Sundram, learned counsel for the Bihar Sanskrit Shiksha Board.

2. The petitioner presses the present application, alleging willful disobedience of the order of this Court dated 31.01.2018 passed in MJC No. 2550 of 2015, whereby, the Hon'ble Court while reiterating the earlier order passed by this Court in MJC No. 356 of 2014 has disposed of the contempt petition, in the following terms, "keeping in view the order



passed by the respondent, Annexure – A, the Secretary of Bihar Sanskrit Shiksha Board is directed to ensure that actual monetary benefits accruing to the petitioner by virtue of the order, if not already paid to the petitioner, be now paid within 30 days from the date of receipt/production of a certified copy of this Order.”

3. Learned counsel for the petitioner drawing the attention of this Court to the order passed by this court in MJC No. 356 of 2014 vehemently submitted that the Court has specifically directed the District Education Officer, Patna to ensure that whatever amount is found admissible and payable to the petitioner by way of arrears of salary and emoluments for the period August, 2010 to July, 2012 must be paid to the petitioner within a period of one month, however, till date the arrears of salary and emoluments for certain period has not been paid to the petitioner.

4. A show-cause has been filed on behalf of the opposite party no. 2 and Ms. Abhanjalli, learned counsel representing the State submits that in terms of the order of this Court, the claim of the petitioner was duly considered in view of the recommendation made by the Principal of the School, in question, and considering the fact that the petitioner has



remained absent from 27.08.2010 to 31.07.2012, his claim for salary has been rejected, the copy of which as been brought on record by way of Annexure – A, issued by the District Education Officer, Patna, as contained in Letter No. 4141 dated 14.11.2019.

5. Mr. Sundram, learned counsel for the Bihar Sanskrit Shiksha Board submits that it is the State authority who is under obligation to consider the claim of the petitioner and ensure payment. But from the record it appears that the petitioner has not been found entitle on the basis of the recommendation made by the Principal of the School, the order of this Court has been complied with.

6. The aforesaid contention has thoroughly refuted by the learned counsel for the petitioner and submission has been made that earlier order has been merged with the present order under contempt and, as such, in any view of the matter the opposite parties are duty bound to ensure the payment of arrears of salary for the period aforenoted.

7. Considering the submissions made on behalf of the parties, this Court finds that the claim of the petitioner has already been considered by the District Education Officer, Patna and, after having found that the petitioner has not worked for the



period, in question, the same has been rejected thus the continuation of the contempt does not arise any further.

8. It is needless to observe that if the petitioner feels aggrieved by the order of the District Education Officer, Patna, he has remedy to assail the same before the appropriate forum or authority by appropriate proceeding.

9. The present contempt petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2023.
Transmission Date	NA

