

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2799 of 2016

In
Letters Patent Appeal No.250 of 2010

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Binod Kumar Jha S/o Sri Haribansh Jha Resident of Village- Kabilpur, PS Kanti, District Muzaffarpur, Presently Posted as Primary Health Centre Bokhara as clerk District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sri. R.K. Mahajan, Presently Posted Principal Secretary, Health Department Government of Bihar, Patna
3. Dr. Azad Hind Prasad, Presently Posted as Director in chief, Health Department Government of Bihar
4. Dr. Vijay Kumar, Presently Posted as Regional Deputy Director, Health Serces, Tirhut Division, Muzaffarpur
5. Dr. Om Prakash Panjiar, Presently posted as Civil Surgeon, Sitamarhi.
6. Dr. Azaj Ahmad, Presently Posted as Incharge Medical officer, Primary Health Centre, Bokhra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s :	Mr. S.D. Yadav, AAG-9
	Mr. Anil Kumar Verma, AC to AAG-9

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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 11-05-2023 The instant contempt petition is filed for non-compliance of the order dated 11.02.2010 passed in LPA No. 250 of 2010 by this Court.

2. Perusal of the records, it is evident that petitioner had a cause of action in filing contempt petition in the year 2011. Thereafter, for compliance of the order dated 24.04.2012



passed in MJC No. 4784 of 2011, was filed in the year 2013. It was at the instance of the petitioner the following order was passed:-

“In compliance with the order dated 17.09.2014, the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur; namely, Dr. Gyan Bhushan is present.

At the very outset, learned counsel for the petitioner seeks permission this petition on the plea that order of the writ court has already been complied with in its letter and spirit. Accordingly, the present petition stands dismissed as withdrawn.

Appearance of Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur is dispensed with.”

3. Thereafter, once again MJC No. 5057 of 2013 was filed which was disposed of by learned Single Judge on 16.12.2014. Taking note of these dates and events, assuming that the petitioner had a cause of action with reference to later order dated 16.12.2014, in such an event, he had a cause of action within one year from the date of order dated 16.12.2014 passed in MJC No. 5057 of 2013 arising out of CWJC No. 18910 of 2008. On the other hand, present MJC was filed in the year 2016 and the matter is being adjourned from time to time.

4. Taking note of delay in filing the MJC, the present MJC stands dropped, reserving liberty to the petitioner to file writ petition afresh, insofar as implementation of this Court's



order, if the concerned respondent has not implemented the orders of this Court as on this day.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/-
Ashish/-

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