

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.300 of 2024
In
Civil Writ Jurisdiction Case No.16582 of 2018

1. Manish Kumar son of Late Ramlochan Rai, Resident of Village-Nainpura, P.O.-Nainpura, P.S.-Pachrukhi, District-Siwan. Presently posted as Assistant Teacher Govt Middle School Ghorgahian, Anchal-Pachrukhi, District-Siwan. (At the time of filing of the writ petition Government Middle School, Badkagaon, District-Siwan).
2. Rakesh Kumar Singh, son of Late Shriniwas Singh, Resident of Village-Santhi, P.O.-Santhi, P.S.-Raghunathpur, District-Siwan. Presently posted as Assistant Teacher Government Middle School Adampur, P.s. Raghunathpur, District-Siwan.
3. Avinash Ranjan, son of Late Shyam Dev Ram, Resident of Village-Sareya, P.O. Hussainganj, P.S.-Hussainganj, District-Siwan, presently posted as Assistant Teacher, Upgrade Middle School, Chhajawa Balia, P.O.-Balial, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Amir Subhani, the Chief Secretary, Government of Bihar, Patna.
3. Mr. K. K. Pathak, the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
4. Mr. Mithilesh Mishra, the Director, Primary Education, Government of Bihar, Patna.
5. Md. Masaluddin, the Regional Deputy Director of Education, Bhagalpur.
6. Mr. Deonarayan Pandit, the District Education Officer, Bhagalpur.
7. Mr. Sanjay Kumar, the District Programme Officer, Establishment, Bhagalpur.
8. Mr. Vinay Kumar Singh, the Regional Deputy Director of Education, Saran at Chapra. (due to typographical error, the district has wrong been mentioned as Siwan).
9. Mr. Rajendra Singh, the District Education Officer, Siwan.
10. Mr. Awadhesh Kumar, the District Programme Officer, Establishment, Siwan.
11. Mr. Vinay Kumar Singh, the Regional Deputy Director of Education, Saran.
12. Mr. Dilip Kumar Singh, the District Education Officer, Saran.
13. Mr. Dhananjay Paswan, the District Programme Officer, Establishment, Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate



For the Opposite Party/s : Mr. Pramod Kumar Singh, A.C. to S.C.-26

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2024 Heard the parties.

2. The present contempt petition has been preferred for compliance of the order dated 22.08.2019 passed in C.W.J.C. No. 16582 of 2018.

3. A show cause has been filed on behalf of the opposite party no. 9 in which paragraph- 7 and 8 read as follows:-

“7. That it is respectfully submitted that the Hon'ble Court in C.W.J.C No. 9771/2017 has been pleased to observe as follows:-

"This Court has noticed the lapse on the part of the respondents in not sending the petitioners for in-service training earlier and as such the respondents are directed to consider the case of the petitioners for grant of matric trained scale on completion of three years from the date of appointment as the respondents cannot take advantage of their own lapses in sending the petitioners for in-service training belatedly and denying the benefit of trained scale. Necessary decision in the light of the order dated 11.04.2018 passed in CWJC No. 7322 of 2017 must be taken by the respondents in the cases of these petitioners also at the earliest preferably within a maximum period of 60 days from the date of receipt/



production of a copy of this order. With the aforesaid, the writ petition stands disposed of."

8. That it is submitted that in light of the direction passed by the Hon'ble High Court in C.W.J.C No. 7322 of 2017 dated 11.04.2018 (Abdus Samad Versus The State of Bihar and others), the order has been passed by the Director, Primary Education, Education Department, vide Memo No. 7/Mu3-3/2021 1982 Patna 08.11.2023, in which dated it has been decided that "in Bihar Primary School Appointment Rules 1991 and Bihar Primary School Appointment 1993, the period for Rules obtaining educational qualification has not been fixed but guidelines have been issued. In the matter in question, the conditions determined by the District Education Superintendent for receiving training in the appointment letter of Md Abdus Samad and the departmental resolution serial no. 12 dated 05.10.2015 has not complied with. Therefore, in the above situation, the order of the Hon'ble Court has already been followed in the case of Abdus Samad and some other similar cases, it is kept in the category of exception, but the claim of other petitioners in similar cases citing MD Abdus Samad is rejected". "

4. Additionally, learned State Counsel submits that the contempt petition has been filed after five years and as such is in the teeth of section 20 of the Contempt of Courts Act, 1971 (for



short, 'the Act').

5. A perusal of Section 20 of 'the Act' read as follows:

“20. Limitation for actions for contempt. No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

6. A Division Bench of this Court in **MJC No. 947 of 2020** in the case of **M/s Milith Karv Engineering and Trading Pvt. Ltd. vs. the State of Bihar & Ors** on **19.06.2023** dropped the contempt proceeding after holding that the same has not been filed within one year from the date when the contempt alleged to have been committed.

7. The short order read as follows:

“Perusal of the previous order, it is impracticable to decide all these contempt matters together for the reasons that opposite party is not only State but in some of the matters, Bank, Corporation and various Statutory Authorities were required to comply different orders of this Court. In other words, in some of the matters, State



Government is a formal party. Therefore, we are of the view that each individual MJC (contempt) is required to be decided on its own merit. Therefore, we are taking MJC (contempt) on individual case basis.

The present MJC is against the judgment dated 23.02.2015, passed in C.W.J.C. No. 17690 of 2014. The MJC is filed in the year 2020. The contempt petition is not maintainable, since it is not filed within one year from the date of the order. Therefore, prima facie, the present MJC- contempt petition is not maintainable on the ground of delay, read with Section 20 of the Contempt of Court Act, 1971, reserving liberty to invoke appropriate remedy by the petitioner.

Accordingly, the present contempt petition stands dropped.”

8. Admittedly, the Writ Court directed the respondent/opposite party to conclude the proceeding within 60 days. This order was passed on 22.08.2019 and the period of contempt started from 22.10.2019 and came to an end on 21.12.2019. Almost four years later, the present contempt petition has been filed.

9. In that background, this Court follows the same



route in line with Section 20 of ‘the Act’ as also the order of the Division Bench.

10. The contempt proceeding stands dropped.

(Rajiv Roy, J)

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