

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.213 of 2022
In
Civil Writ Jurisdiction Case No.353 of 2021

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Ayush Doctors Organization, Bihar, Patna through its Secretary, Dr. Kamal Kishore Singh aged about 42 years, male, son of Late Narendra Kumar, resident of East of T.P.S. College, Chiraiyatar, P.S. - Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Atul Prasad, the Development Commissioner, Govt. of Bihar, Patna.
3. Dr. S. Sidharth, Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
4. Dr. S. Sidharth, Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
5. Sri Pratyay Amrit, Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
6. Sri Arvinder Singh Special Secretary, Ayush, Health Department, Govt. of Bihar, Patna.
7. Sri Sanjay Kumar Singh, the Executive Director, State Health Society, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, AAG-9
For the State Health Society: Mr. Kishor Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

5 08-08-2024

The present M.J.C. has been filed under



Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act by the petitioner alleging non-compliance of the direction issued by Division Bench of this Court in the order dated 22.07.2021 passed in I.A. No.11 of 2021 filed in C.W.J.C. No.353 of 2021.

2. Heard Mr. Prashan Singh, learned counsel for the petitioner and Mr. S.D. Sanjay, learned A.A.G.-9 for State-contemnors/opposite parties as well as Mr. Kishor Kumar Sinha, learned counsel for the State Health Society.

3. Learned counsel for the petitioner submitted that in the pending writ petitions being C.W.J.C. No.353 of 2021 and C.W.J.C. No. 9639 of 2021, the present petitioner filed I.A. No.11 of 2021 as intervenor with prayer that respondents be directed to make payment of arrear of enhanced honorarium from Rs.15,000/- to Rs.28,000/- w.e.f. 31.03.2013, for making payment of arrear of enhanced honorarium from Rs.28,000/- to Rs.30,000/- w.e.f. 14.03.2016 and for enhancement of honorarium of Ayush doctors from Rs.30,000/- to Rs.44,000/- w.e.f. 13.02.2019. It is submitted that the Division Bench of this Court vide order dated 22.07.2021 permitted the present petitioner to submit representation before the Principal Secretary, Department of Health, Government of Bihar, pointing



out the grievances/issues, the subject matter of the said I.A. It is submitted that Division Bench further observed that the authority shall consider and decide the issue in accordance with law and hopefully decision shall be positively taken within a period of 03 (three) months. It is further submitted that the respondents authorities did not consider the representation made by the petitioner as per the direction issued by the Division Bench of this Court within stipulated time and, therefore, as per the liberty reserved by Division Bench, the present petitioner filed C.W.J.C. No.19659 of 2021. However, when the said petition was received for hearing, learned Single Judge disposed of the same vide order dated 27.01.2022 by granting liberty to the petitioner to file proceedings under Contempt of Courts Act as the order passed by the Division Bench in I.A. No.11 of 2021 was not complied with.

4. It is submitted that, as per the said liberty granted by learned Single Judge, the petitioner has filed the present petition under provision of the Contempt of Courts Act.

5. Learned counsel for the petitioner has fairly pointed out from the record and more particularly from show cause filed on behalf of the respondent Nos.5 and 6 that now on 01.03.2023 some of the benefits prayed for by the petitioner



have been granted to him. However, the concerned respondent authority did not take any decision with regard to remaining grievances/issues and thereby the respondent authority has not fully complied with the direction issued by the Division Bench of this Court while disposing I.A. No.11 of 2021. Learned counsel, therefore, urged that appropriate proceedings should be initiated against the concerned respondent authority under the Contempt of Courts Act.

6. We have considered the submissions canvassed by the learned counsel appearing for the parties and perused the materials placed on record.

7. It would emerge from the records that in pending petition before the Division Bench, the petitioner filed an I.A. No.11 of 2021 as intervenor in which the petitioner prayed for certain relief. However, Division Bench of this Court did not consider the case of the petitioner on merit. Instead granted liberty to the petitioner to submit an application for the grievances/issues which are raised in the said I.A. No.11 of 2021 by way of representation before the concerned respondents authorities.

8. The petitioner made representation. Though initially it was not decided by the authority, now it is not in the



dispute that some of the grievances of the petitioner have been redressed by order dated 01.03.2023. Now, it is grievances of the petitioner at this stage that the respondents authorities have not considered some of the demands made by the petitioner.

9. We are of the view that once the order dated 01.03.2023 passed by the concerned respondent authority pursuant to the direction issued vide order dated 27.02.2021 in I.A. No.11 of 2021, it cannot be said that respondents authorities willfully and intentionally disobeyed the order passed by this Court. If the petitioner is not satisfied with the decision dated 01.03.2023 taken by the respondent no.5, Sri Pratyaya Amrit, Additional Chief Secretary, Health Department, Government of Bihar, Patna, it is always open for the petitioner to file appropriate proceedings and challenge the non-granting of the benefit to the petitioner by the concerned authority. Thus, liberty is reserved to the petitioner to file separate petition with regard to his remaining grievances/issues, however, we are of the opinion that the present proceedings under the Contempt of Courts Act cannot be continued further. Accordingly, the present proceedings are closed and M.J.C. No.213 of 2022 is disposed of.

10. It is also clarified that we have not examined



the claim/grievances of the petitioner on merit.

(Vipul M. Pancholi, J)

(Ramesh Chand Malviya, J)

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