

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.322 of 2022

In

Civil Writ Jurisdiction Case No.2820 of 2012

=====

Md Zakir, Son Md Isrial, R/o Village Kharauri, Muslim Tola, Sapta, Ward No. 9, Police Station Rahika, District - Madhubani.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. Mr. Ashutosh Kumar, Father name not known, the Director Primary Education, Govt. of Bihar, Patna.
3. Mr. Sanjeev Hans, Father's name not known, the District Magistrate, Madhubani.
4. Smt. Rita Kumari, husband name not known, the Additional Collector District Revenue Section, Madhubani.
5. Sri Ram Sing, Father's name not known, the District Education Officer, Madhubani.
6. Sri Mahesh Prasad Choudhary, Fathers name not known, the Circle Officer, Rahika Block District Madhubani.

... .. Opposite Parties.

=====

Appearance :

For the Petitioner : Mr. Md. Soban Asghar, Advocate.
For the State : Mr. Ram Vinay Prasad Singh, AC to GA-XII.

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 23-04-2024

The present M.J.C./Contempt Petition is filed for non-compliance of the orders of this Court dated 13.02.2012 passed in C.W.J.C. No.2820 of 2012 (Annexure-1).

2. Petitioner has already invoked remedy of filing Contempt Petition, namely, M.J.C. No.2652 of 2012 and it was



disposed of on 26.04.2013 with a short order and it reads as under:

“This petition under the Contempt of the Courts Act has been filed by the writ petitioner in CWJC No.2820 of 2012.

It is the complaint of the writ petitioner that the order dated 13th February 2012 has not been complied with. The respondents have filed a reply.

It appears that pursuant to the direction dated 13th February 2012, the representation made by the writ petitioner has been considered and the order has been made on 6th February 2013. The direction has been duly complied with.

No case for contempt is made out. Petition is summarily rejected.”

3. Thereafter, petitioner has invoked remedy of filing fresh M.J.C. No.322 of 2022, i.e., the present Contempt Petition.

4. Perusal of the order dated 26.04.2013 **cited supra**, this Court had not given any liberty to the petitioner to file fresh M.J.C./ Contempt Petition. If the petitioner was not satisfied with the order dated 26.04.2013 passed in M.J.C. Petition No.2652 of 2012, he had remedy of filing Interlocutory



Application to revive the order dated 26.04.2013 passed in M.J.C. Petition No.2652 of 2012. In the absence of reserving liberty to file a fresh M.J.C. Petition in the order dated 26.04.2013 passed in M.J.C. Petition No.2652 of 2012, the present M.J.C. Petition filed after nine years in the year 2022 would be contrary to all norms.

5. Be that as it may, the present M.J.C./Contempt Petition No.322 of 2022 is also barred by limitation under Section 20 of the Contempt of Courts Act, 1971.

6. Accordingly, the present M.J.C./Contempt Petition stands dismissed with cost of Rs.10,000/-. Cost shall be remitted in the Patna High Court Legal Services Authority by the petitioner for abusing the process of the Court within eight weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024.
Transmission Date	NA

