

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2068 of 2014

In
Civil Writ Jurisdiction Case No.14009 of 2006

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1. Dr. Sarwar Akram Khan, S/o Late Prof. T.R. Khan, Resident of 1, New Azimabad Colony, P.O. - Mahendru, P.S. - Sultanganj, Dist. - Patna.
 2. Dr. Anil Kumar Mishra, Son of Shree Sadanand Mishra, Resident of A/79, Mithila Co-operative, Road No. 14(c), Rajeev Nagar, P.S. - Patliputra, Dist. - Patna.
 3. Shankar Kumar, S/o Shree Madhusudhan Lal, Resident of Mohalla - Ramjichak, P.O. - Bataganj, P.S. - Digha, Dist.- Patna.
 4. Ajay Kumar Singh, S/o Late Dukhmochan Singh, Resident of Kusumpuram Colony, near Bailey Road, Leed Asian School, P.S. - Rupaspur, Danapur, Patna
 - 5.1. Madhavi Devi W/o Late Arun Kumar Jha, Resident of C/o Shashi Shekhar Singh, B.N.R. Road, Tripolia, Gulzarbagh, P.S. - Alamganj, Dist. - Patna.
 - 5.2. Mukesh Mayank, S/o Late Arun Kumar Jha, Resident of C/o Shashi Shekhar Singh, B.N.R. Road, Tripolia, Gulzarbagh, P.S. - Alamganj, Dist. - Patna.
 - 5.3. Abhishek Kumar Jha, S/o Late Arun Kumar Jha, Resident of C/o Shashi Shekhar Singh, B.N.R. Road, Tripolia, Gulzarbagh, P.S. - Alamganj, Dist. - Patna.

... .. Petitioners.

Versus

1. The State of Bihar through Sri Amarjit Sinha, Principal Secretary Human Resource Development (Education) Department Government of Bihar, Patna.
2. Sri Amarjit Sinha, Principal Secretary, Human Resource Development Department Government of Bihar, Patna.
3. Sri Ram Bujhawan Choudhary, Director, Secondary Education, Human Resource Development Department Government of Bihar, Patna.

... .. Opposite Parties.

with
Miscellaneous Jurisdiction Case No. 2177 of 2014
In
Civil Writ Jurisdiction Case No.18793 of 2008

Shyama Nandan Mishra, son of Late Naresh Mishra, resident of village Patsa, P.S. - Hasanpur, District - Samastipur.

... .. Petitioner.

Versus

1. The State of Bihar through D.S. Gangwar, Secretary, Personnel and Administrative Reforms Department, Old Secretariat, Patna.
2. Rameshwar Singh, Principal Secretary, Finance Department, Old Secretariat, Patna.
3. R.K. Mahayan, Principal Secretary, Human Resources Development



Department, New Secretariat, Patna.

4. Ram Bujhawan Chaudhary, Director, Secondary Education, New Secretariat, Patna.

... .. Opposite Parties.

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with
Miscellaneous Jurisdiction Case No. 2179 of 2014
In
Civil Writ Jurisdiction Case No.9725 of 2011

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Prabin Chandra Singh, S/o Late Shiv Nandan Singh, R/o Vill. - Sri Rampur,
P.O. - Temtha, P.S. - Parbatta, District - Khagariya.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Amarjeet Sinha, Principal Secretary, Human Resources Development Department, Bihar, Patna.
3. Ram Bujhawan Choudhary, Director of Secondary Education, Govt. of Bihar, Patna - 800001.

... .. Opposite Parties.

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Appearance :

(In Miscellaneous Jurisdiction Case No. 2068 of 2014)
For the Petitioners : Mr. Ajatshatru, Advocate.
For the State : Mr. Archana Meenakshee, GP-6.
(In Miscellaneous Jurisdiction Case No. 2177 of 2014)
For the Petitioner : Mr. Bipin Bihari Singh, Advocate.
For the State : Mr. S.D. Yadav, AAG-9.
Mr. Anil Kumar Verma, AC to AAG-9.
(In Miscellaneous Jurisdiction Case No. 2179 of 2014)
For the Petitioner : Mr. Bipin Bihari Singh, Advocate.
For the State : Mr. Sarvesh Kumar Singh, AAG-13.
Mr. Rajat Kumar Tiwary, AC to AAG-13.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

20 06-05-2024 **M.J.C. No.2068 of 2014, M.J.C. No.2177 of 2014**
and M.J.C. No.2179 of 2014:

On 29.04.2024, the following order was passed:

“M.J.C. No.2068 of 2014

Learned counsel for the State, Archana Minakshi,



submitted on instructions that office of the Accountant General are not co-operating insofar as compliance of orders of this Court in entirety. In other words, State are required certain information from the year 1990 to 2002 to redress the grievance of the petitioner. It is submitted that office of the Accountant General is not co-operating in furnishing information/records of the State. In this regard, Director Administration-cum-Additional Secretary Education Department, Subodh Kumar Choudhary is hereby directed to file his personal affidavit to the extent that office of the Accountant General are not co-operating to what extent and what are material information was withheld. If such affidavit is filed suo motu contempt of Court action would be taken against the office of the Accountant General to the extent that they are coming in the way of implementation of the Court's order.

2. Re-list this matter on 06.05.2024.

M.J.C. No.2177 of 2014

Re-list this matter on 06.05.2024.

M.J.C. No.2179 of 2014

Re-list this matter on 06.05.2024.”

M.J.C. No.2068 of 2014 and M.J.C. No.2179 of 2014:

2. To the above effect, Director (Administration)-cum-Additional Secretary, Education Department, Bihar, Patna, has filed his personal affidavit along with Annexure-R/12 series. In



paragraph-9, it is stated as under:

“That in this regard, it is humbly submitted that the Education Department, Govt. of Bihar has already made payment of differential amount to the petitioners through the concerned authority based on pay slips issued by the Accountant General, Bihar, Patna, but, for the left over period, the required pay slips are yet to be issued by the Accountant General, Bihar. As soon as the required pay slips are issued/received, immediately, thereafter, the concerned D.D.O. (i.e. District Programme Officer, Estb.) of the concerned district, who is the competent authority in this matter, will ensure the payment of the same without further delay.”

3. Reading of paragraph-9, it is evident that office of the Accountant General is not cooperating in implementation of the Coordinate Bench order, resultantly, the State officials are facing Contempt of Court proceedings. No doubt, office of the Accountant General is not party to the lis. Be that as it may, irrespective of whether party or not to the litigation, in particularly, Contempt of Court proceedings are concerned, if any third party is coming in the way of implementation of the Court orders, such office or officer is also liable for Contempt of



Court proceedings. Therefore, the Registry is hereby directed to send notice to the office of the Accountant General, Bihar, Patna. Office of the Accountant General, Bihar, Patna/competent authority is hereby directed to file explanation as to why there is non cooperation with the State insofar as implementation of the Coordinate Bench order in the present case. In the meanwhile, State officials are hereby directed to provide complete papers of the present lis to the office of the Accountant General, Bihar, Patna, so as to enable the concerned officer to file explanation on the next date of hearing.

4. Re-list these matters on 24.06.2024.

M.J.C. No.2177 of 2014:

5. Learned counsel for the respondents have complied by calculating due of the petitioner. It was disputed by the learned counsel for the petitioner stating that at certain point of time, calculation is incorrect with reference to due claim of the petitioner. In such circumstances, in contempt of court matters, the aforesaid disputed issue/s cannot be examined. Therefore, petitioner is at liberty to approach the concerned authority in pin pointing what are the deficiencies in the calculation with reference to any material information. If such representation along with the material information is placed before the



concerned authority, the concerned authority is hereby directed to redress the grievance of the petitioner in accordance with law. If he is not entitled in that event a detailed speaking order shall be passed and communicated to the petitioner at the earliest for the reasons that the present lis is pending consideration for more than one decade.

6. With the above observations, the present M.J.C./ Contempt Petition No.2177 of 2014 stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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