

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1803 of 2024

In
Civil Writ Jurisdiction Case No.7483 of 2018

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Bhuneshwar Tiwari son of Late Raghupati Tiwari, Resident of Village-Barki Nainijor, P.S.-Nainijore, District-Buxar (Bihar).

... .. Petitioner/s

Versus

1. Sri K.K. Pathak presently posted as the Additional Chief Secretary/Principal Secretary Department of Higher Education, Government of Bihar, Patna.
2. Sri Arvind Kumar Chaudhary, son of not known to the petitioner, presently posted as the Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. Prof. S.P. Shahi, son of not known to the petitioner, presently posted as the Vice-Chancellor, The Magadh University, Bodh Gaya, Gaya (Bihar).
4. Dr. Samir Kumar Sharma, son of not known to the petitioner, presently posted as the Registrar, Magadh University, Bodh-Gaya, Gaya (Bihar).
5. Sri Indra Kumar Singh, son of not known to the petitioner, presently posted as the Finance Officer, Magadh University, Bodh-Gaya, Gaya (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha
For the Opposite Party/s : Mr. Government Advocate 2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-08-2024 Heard the parties.

2. The present petition has been been filed for the
grant of following reliefs:-

“That the present application has been filed for initiating a proceeding of contempt against the opposite parties, particular opposite parties for non-compliance of the order dated 18.07.2018 passed in C.W.J.C. No. 7483 of 2018 by the Hon'ble Mr. Justice Anil Kumar Upadhyay whereby and where under his Lordship was



pleased to allowed the writ application filed by the petitioner with direction to the contemnors- Opposite Parties to "Considering the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The order reviewing the absorption of the petitioner is hereby declared as nullity. The respondents are directed to restore the petitioner the status of absorbed employee with all consequential benefits within a period of four months from the date of receipt/production of a copy of this order."

3. At the outset, learned counsel for the State pointed out that the order was passed by the writ Court on 18.07.2018, a direction to the respondents to take steps in four months. According to him, including the four months the period comes to an end on 18.11.2019, he submits that the present contempt petition has been filed in the month of May 2024 that is long after the period granted under Section 20 of the Contempt of Courts Act, 1971 (hence for short 'the Act').

4. Section 20 of 'the Act' read as follows:-

Section 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.*



5. The facts have been incorporated above, there is inordinate delay in filing the contempt petition and in view of Section 20 of ‘the Act’, which bars entertaining such petition after one year, the Court cannot proceed further.

6. The MJC No.1803 of 2024 stands dismissed.

(Rajiv Roy, J)

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