

IN THE HIGH COURT OF JUDICATURE AT PATNA
Or. Criminal Miscellaneous (DB) No.9 of 2015

Arising Out of PS. Case No.- Year-1111 Thana- District-

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The High Court Of Judicature At Patna

... .. Petitioner/s

Versus

Hira Prasad Pandey S/o Late Rash Bihari Pandey Permanent Address - P.C. Sarkar Lane, Manik Sarkar Bhagalpur, P.S. Kotwali, Distt. Bhagalpur (Bihar) presently residing at Swablambi Residency No. 306, Daud, Bigha, P.S. Agamkuan, Patna - 26

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15512 of 2011

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1. Hira Prasad Pandey S/o Late Rash Bihari Pandey Permanent Address - P.C. Sarkar Lane, Manik Sarkar Bhagalpur, P.S. Kotwali, Distt. Bhagalpur (Bihar) presently residing at Swablambi Residency No. 306, Daud, Bigha, P.S. Agamkuan, Patna - 26

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar Through The Principal Secretary Department Of Personnel And Administrative Reforms
3. Principal Secretary Department Of Personnel And Administrative Reforms Govt. Of Bihar, Patna
4. The High Court Of Judicature At Patna Through Its Registrar General
5. The Registrar General The High Court Of Judicature At Patna Null Null
6. The Joint Secretary Department Of Personnel And Administrative Reforms Govt. Of Bihar, Patna

... .. Respondent/s

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Appearance :

(In Or. Criminal Miscellaneous (DB) No. 9 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Hira Prasad Pandey in-Person

(In Civil Writ Jurisdiction Case No. 15512 of 2011)

For the Petitioner/s : Mr. Hira Prasad Pandey in-Person

For the Respondent/s : Mr. Subhash Pd. Singh, GA-3

Mr. Shiv Kumar, AC to GA-3

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

33 09-07-2024

Or. Criminal Miscellaneous (DB) No.9 of 2015

In the writ petition (CWJC No. 15512 of 2011) filed by the proposed contemnor, he had challenged the order dated 15.02.2011 by which he was made to retire compulsorily from Bihar State Judicial Service in exercise of the powers under Rule 74 (b)(ii) of the Bihar Service Code.

2. In his writ petition, he had made certain remarks which was contumacious and bordered on impunity.

3. While initiating this contempt proceeding, the Bench of Hon'ble the then Chief Justice and Hon'ble Justice Sudhir Singh had extracted the paragraph which was found to be contemptuous of the Court.

4. In sum and substance, the contention of the proposed contemnor was that all along, average and tainted officers also were elevated to the High Court and therefore, his being compulsorily retired was not in tune with the facts and law.

5. It further appears from the order of the Bench



initiating the contempt proceedings that the proposed contemnor was given an opportunity to withdraw such statement which he denied and orally observed that he stood by what he had written in his pleadings.

6. Finding such averment in the writ petition to be contempt of the Court on its face, casting aspersions on judiciary and projecting a bad state of affairs in the judicial system, it was directed that a contempt proceeding against the proposed contemnor be initiated along with the writ petition.

7. The proposed contemnor is present in person. He has submitted that in the past also, he had understood the gravity of the statement made by him which was only an outburst of his anger and frustration at his being compulsorily retired. He never meant any disrespect to the High Court.

8. He further submits that his obduracy at that time ought to be considered under the present circumstances when he has lost everything in life and has also suffered a paralytic attack.



9. Today, we find that he is penitent and has conducted himself with grace in Court. Otherwise also, he tenders an unqualified apology for having said that in his writ petition.

10. Taking this into account, we are of the considered opinion that the contempt proceeding initiated against him be dropped.

11. We, therefore, drop the contempt proceedings against him.

12. We have been assisted in this case on behalf of the High Court by Mr. Sanjeev Kumar, learned Advocate.

13. The writ petition viz. CWJC No. 15512 of 2011 be listed on 27th of August, 2024 at 12.30 P.M.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/shoaib

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