

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1112 of 2023

In
Miscellaneous Jurisdiction Case No.1143 of 2022

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Arvind Kumar Verma S/o Sri R.K. Verma Resident of Village Pakhrauli, P.S.-
Pakhrauli, District-Sultanpur, Uttar Pradesh, Presently Posted as the District
Magistrate, Madhubani.

... .. Appellant/s

Versus

1. Surendra Kumar Ram (Chaukidar 6/1) Son of Late Harihar Ram Resident of
Village- Nav Nagar (Nawani) Ward No.3, Police Station- Jhanjharpur, O.P.
Araria Sangram, District- Madhubani.
2. The State of Bihar.
3. Mr. Shushil Kumar, Son of not known, the Superintendent of Police,
Madhubani.
4. Mr. Vishal Raj Son of not known the Senior Additional District Magistrate,
Madhubani.
5. Mr. Shailesh Kumar Chaudhary Son of not known, the Sub-Divisional
Magistrate, Jhanjharpur, District- Madhubani.
6. Mr. Ashish Anand, Son of not known the Sub-Divisional Police Officer,
Jhanjharpur, District- Madhubani.
7. Mr. Sumit Kumar Singh Son of not known the Circle Officer, Jhanjharpur,
District- Madhubani.
8. Mr. Rasid Parvej Son of not known the Officer-in-Charge, Jhanjharpur,
District- Madhubani.
9. Mr. Balwant Kumar Son of not known, the Out Post Incharge, Araria
Sangram, Police Station- Jhanjharpur, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Advocate Mr. Pawan Kumar, Advocate Ms. Pratibha, Advocate Mr. Utsav, Advocate
For the Respondent/s	:	Mr.Sarvesh Kumar Singh , AAG-3 Mr. Rajat Kumar Tiwari, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-03-2024



The appeal is filed from an order passed in MJC No. 1143 of 2022, wherein the learned Single Judge imposed a cost of Rs. 10,000/- on the District Magistrate, Madhubani. The appeal is filed by the 2nd respondent, who is the District Magistrate, who has been directed to pay the money from his own pocket.

2. The controversy arose with CWJC No. 10337 of 2020, which was disposed of on 10.01.2022. The writ petitioner had raised some grievances in respect of arrears of salary, which was directed to be considered in a representation filed; either reject the same by a reasoned order or in the alternative settle all monetary benefits, within a period of four months from the date of receipt of the order. The order, admittedly, was complied with on 19.06.2023. Despite noticing the same, the learned Single Judge found that the contempt petition was filed on 07.07.2022 whereas compliance is after almost one year from the date of filing of contempt petition.

3. The delay in compliance of the order is said to be the fact that the District Magistrate, Madhubani i.e. the appellant herein was communicated the order only on 18.05.2023 by the Government of Bihar. The counter affidavit filed by the State also indicates that the order was



communicated only on 18.05.2023. Hence, it is the fault of the office of the Government Advocate, which is also a part of the State machinery.

4. In any event, the appellant cannot be found negligent or acted in deliberate contempt and we absolve the appellant from the cost imposed.

5. The appeal stands allowed.

6. Interlocutory application, if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.03.2024
Transmission Date	

