

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3638 of 2023

In
Civil Writ Jurisdiction Case No.10870 of 2008

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Bihar Rajya Vishwavidyala Avam Mahavidyalaya Karamchari Mahasangh
through its General Secretary Braj Kishore Singh, aged about 70 years, s/o
Madan Gopal Singh, Ward No. 10 Rampur Ami, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Amir Shubhani, presently posted as the Chief Secretary, Govt. of Bihar, Patna.
3. Sri K.K. Pathak, presently posted as Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
4. Smt. Rekha Kumari, presently posted as the Director, Higher Education Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s :	Mr. Ravi Kumar, AC to GP 13
	Mr. Akshay Lal Prasad, AC to GP 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)

4 23-07-2024 The present MJC No. 3638 of 2023 has been filed in

the month of December, 2023. Cause of action accrued to the

petitioner at the best on 12.08.2017 for the reasons that subject

matter of litigation was pending consideration before the

Hon'ble Supreme Court in SLP as well as contempt matter. SLP

was stated to have been disposed on 18.01.2013. Thereafter

contempt was also disposed on 11.08.2017. Taking note of these



dates and events and the fact that present MJC / contempt petition is filed in the month of December, 2023, there is enormous delay in filing the present contempt petition, Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution, the present MJC No. 3638 of 2023 is not maintainable.

2. Co-ordinate Bench in the case of *Dr. Rajesh Kumar Sinha and others vs. Union of India and others* passed in **MJC No. 1840 of 2023** arising out of **CWJC No. 13888 of 2016** has taken a decision while analyzing Section 20 as well as Article 215 and proceeded to reject belated MJC / contempt petition. In the light of these facts and circumstances, present MJC stands dismissed on the score of limitation, reserving liberty to the petitioner to file writ petition insofar as implementation of various orders.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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