

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.156 of 2021

In

Civil Writ Jurisdiction Case No.5320 of 2013

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Rajeshwar Kumar Singh Son of Late Ambica Kant Singh Resident of
Mohalla- Shantipuri, Station Road, Motihari, Police Station- Motihari,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. R.K. Mahajan, I.A.S., Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. Smt. Rekha Kumari, Director, Higher Education Department, Government of Bihar, Patna.
3. B.R.A. Bihar University, Muzaffarpur through its Registrar.
4. Prof. (Dr.) Hanuman Prasad Pandey, Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. Dr. Ram Krishna Thakur, Registrar, B.R.A. Bihar University, Muzaffarpur.
6. Mr. Bhola Singh, Prof.-in-Charge, S.N.S. College, Motihari, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate
For the University	:	Mr. Viveka Nand Singh, Advocate
For the State	:	AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 11-07-2025

Heard the learned counsel for the petitioner, Sri Gyanand Roy as also the learned counsel appearing for the opposite parties.

2. The petitioner has alleged disobedience of the order dated 27.02.2019, passed by this Court in CWJC No.5320 of 2013 whereby and whereunder the petitioner was granted liberty to file a detailed representation before the Director, Higher



Education, Human Resources Department, Government of Bihar, Patna (Opposite party no.2) with regard to his grievances and in turn, the opposite party no.2 was directed to decide the case of the petitioner finally.

3. It is the complaint of the learned counsel for the petitioner that till date, the opposite party no.2 has not passed any order, hence the present contempt petition.

4. On the contrary, the learned counsel for the opposite party nos. 1 and 2 has submitted by referring to the show-caused filed in the present case that after the petitioner had filed representation, the department had examined the case of the petitioner in the background of the directions given by this Court and had found that the petitioner claims to have joined on the post of Assistant Professor, Psychology Department, SNS College, Motihari on 06.07.1976, whereafter, he was appointed as temporary teacher on 18.03.1978, when the said college was an affiliated college and subsequently, on 27.10.1980, the Bihar College Service Commission had recommended his name for appointment and the college in question was converted into a constituent unit with effect from 01.10.1980. The Higher Education Department, Government of Bihar, Patna had then requested the university to supply the statement of facts,



whereafter the university had supplied the same on 22.07.2023 pertaining to the petitioner along with certain documents. It is further submitted on behalf of the opposite party nos. 1 and 2 that the actual decision is to be taken by the opposite party-BRA Bihar University, Muzaffarpur.

5. The learned counsel appearing for the opposite party nos. 3 to 5 (authorities of the BRA Bihar University, Muzaffarpur) has submitted by referring to the show-cause filed in the present case that the service of the petitioner was confirmed by the Syndicate of the University in its meeting dated 17.08.1999 with effect from 28.10.1980, i.e. the date of recommendation by the University Service Commission. However, during the course of audit, it was also observed that on account of certain relevant papers/documents being wanting, the date of appointment/absorption was provisionally fixed as 28.02.1982. It is next submitted by referring to paragraph no.7 of the show-cause filed in the present case that the petitioner superannuated from service with effect from 31.08.2009, whereafter the retiral dues to be paid to the petitioner was computed, after receipt of relevant records by the university and thereafter, the university has also made payment of the entire admitted retiral dues considering the date of appointment/absorption of the petitioner



to be 28.10.1980 as is evident from the calculation chart annexed as Annexure-R/2 to the show-cause filed by the university. Thus, it is submitted that in case the petitioner is aggrieved by fixation of the date of appointment/absorption as 28.10.1980, he is required to avail such remedies as are otherwise provided for under the law for assailing the same, however, in the present contempt petition, the University cannot be directed to change the date of appointment/absorption.

6. I have heard the learned counsel for the parties and perused the materials on record.

7. This Court finds that it is a well-settled law that the issue regarding compliance/non-compliance of the order of a Court is in between the court and the contemnor(s) and the Court is required to satisfy itself as to whether its order has been substantially complied with in its true letter and spirit, without being overwhelmed by technicalities. In the present case, though there is nothing on record to show that the opposite party no.2 has taken any final decision, however the opposite party, BRA Bihar University, Muzaffapur has amply demonstrated that in pursuance to the order of this Court, the matter pertaining to the petitioner was examined and it has transpired that he has been paid all the admitted retiral dues considering the date of



appointment/absorption as 28.10.1980.

8. In fact, this Court had repeatedly asked the learned counsel for the petitioner as to whether any rejoinder has been filed rebutting the aforesaid contention raised by the opposite parties and what are the subsisting grievance of the petitioner to which the only reply which has come forth from the learned counsel for the petitioner is that the opposite party no.2 has not passed any order, which leads this Court to come to a conclusion that the petitioner is not having any substantial grievance at the moment, especially in view of the aforesaid contentions put forth by the opposite parties, which have not stood rebutted by the petitioner. Thus, this Court is of the view that merely because the opposite party no.2 has not taken a final decision, the same would not amount to disobedience of the order of this Court dated 27.02.2019, passed in CWJC No.5320 of 2013, in view of the fact that the opposite parties, especially the BRA Bihar University, Muzaffapur has explained the facts and circumstances prevailing in the case of the petitioner, leading to fixation of date of appointment/absorption as 28.10.1980. Obviously, the present contempt jurisdiction is not the proper forum to assail the fixation of the date of appointment/absorption of the petitioner by the Syndicate of the



BRA Bihar University, Muzaffarpur on the recommendation made by the Bihar University Service Commission and the petitioner would be well-advised to avail such remedies as are otherwise provided for under the law for the said purpose.

9. Having regard to the facts and circumstances of the case and the foregoing reasons, this Court does not find any deliberate or willful disobedience on the part of the opposite parties, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	

