

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.816 of 2019
In
Miscellaneous Jurisdiction Case No.550 of 2018

1. The State of Bihar
2. Mr. Anjani Kumar Singh Chief Secretary, Government of Bihar, Old Secretariat, Patna-800001
3. Mr. R.K. Mahajan Principal Secretary, Human Resources Development Department, Bihar, Patna-800001
4. Mr. Biodanand Jha Director, Mass Education, Human Resources Development Department, Bihar, Patna
5. Mr. Raj Kishore Singh District Education Officer, Saran at Chhapra, Pin-841301

... .. Appellant/s

Versus

Vinay Kumar Tiwary Son of Sri Raj Narayan Tiwary Resident of Village-Lalapur, P.O.-Baksanda via Parsa, P.S.-Parsa, District-Saran, Pin Code-841219

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kriti Singh, GA-2
		Mr. Venkatesh Kirti, AC to GA-2
For the Respondent/s	:	Mr. Surya Kant Singh, Adv

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 24-03-2025 The appellants have assailed the order of learned Single Judge dated 10.07.2019 passed in MJC No. 550 of 2018 arising out of CWJC No. 314 of 2012. It's a short order, therefore, it is necessary to reproduce the same:-



“Heard Sri Surya Kant Singh, learned counsel for the petitioner and learned AC to Addl. Advocate General no.15.

The present petition was filed long back in the month of February, 2018 for initiating contempt proceeding against Opp.Parties on an allegation of wilful disobedience to an order passed by the writ court.

The petitioner was Instructor of Non-formal Education Programme. The writ petition of the petitioner was allowed long back with certain directions. Show causes have been filed on behalf of the State, however, till date it has not been indicated as to whether order of the writ court has been complied with or not. The petitioner has brought on record certain facts, which indicates that some persons, who were not petitioners, were given employment through back door method ignoring the case of the petitioner and other similarly situated persons. In such situation, if it is a fact, this conduct may require thorough investigation.

List this case on 17.07.2019.

Learned counsel for the petitioner is permitted to add Central Bureau of Investigation through the Superintendent of Police, Patna as Opp.Party no.6. Learned counsel for the petitioner is further required to inform learned counsel for the Central Bureau of Investigation to remain present in the court on the next date.”



2. The learned Single Judge has committed patent error insofar as permitting the petitioner to implead C.B.I. through the Superintendent of Police, Patna as Opposite Party No. 6 and further asking the petitioner's counsel to inform the learned counsel for the C.B.I. to remain present in the Court on the next date i.e. 17.07.2019.

3. Scope of MJC contempt petition is limited to the extent, what is the order not complied by the concerned authority irrespective of any particular or specific direction. While disposing CWJC No. 314 of 2012 on 16.01.2017, there is no specific direction. It is also a short order which read as under:-

“Heard Sri Nityanand Mishra, learned counsel for the petitioner and learned counsel for the State.

The sole petitioner, in the present writ petition, has prayed for granting similar relief granted to the Non-Formal Supervisors of Non-Formal Education. The petitioner was Instructor. A claim was made that earlier writ petitions filed by the supervisor(s) were allowed by a Bench of this Court. Since the cases of Supervisors and Instructors were on similar footing, at subsequent stage, Instructors also filed writ petitions for granting same relief, which was allowed by a Single Bench of this Court with a direction to grant



the same relief. On appeal preferred by the Government of Bihar against the order of the Single Bench, the Division Bench did not interfere with the order of the Single Bench. However, the Division Bench modified the order of the Single Bench to the extent that the persons, who were functioning at least three years prior to the concerned date, only they were entitled to be considered. Again against the order of the Division Bench, an appeal was preferred by the Government of Bihar, which has only been disposed of and dispute has now been set at rest by the Hon'ble Apex Court vide order dated 26.02.2016 passed in S.L.Ps which is as follows:

"We find no infirmity in the order impugned herein. The Special Leave Petitions are dismissed.

The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all those petitioner Instructors which are pending as on date before the High Court but shall not apply to any fresh case either here or before the High Court.

Pending applications, if any, stand disposed of."

Learned counsel for the petitioner



submits that after the order of the Hon'ble Apex Court, a Single Bench of this Court vide its order dated 31.03.2016 passed in C.W.J.C.No.18011 of 2014 directed to dispose of the matter with a direction to the Respondents to decide the claim of the petitioners of the said case in terms of the order of the Hon'ble Apex Court passed in S.L.A. (C) no.32079/2015.

Learned counsel for the State does not dispute the fact that the matter has now been set at rest.

Accordingly, in terms of the order of the Hon'ble Apex Court passed on 26.02.2016 in S.L.A. (C) 32079/2015, the present writ petition is disposed of with direction to the Respondents State to take decision in the matter in terms of the order of the Hon'ble Apex Court.”

4. The direction is only for the State to take a decision in the matter in terms of the Hon'ble Apex Court order dated 26.02.2016 in S.L.A. (C) 32079 of 2015. In the light of these facts and circumstances, learned Single Judge has committed patent error insofar as permitting the respondent (petitioner in MJC No. 550 of 2018) to add the Superintendent of Police, Patna, C.B.I. as Opposite Party No. 6 in the MJC contempt matter. Accordingly, the appellants have made out a case so as to interfere with the order of learned Single Judge dated



10.07.2019 passed in MJC No. 550 of 2018 and it is set aside.

5. Accordingly, L.P.A. No. 816 of 2019 stands
allowed to the above extent.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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