

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.376 of 2025

In

Civil Writ Jurisdiction Case No.8654 of 2019

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Chandrakant Chaudhary Son of Late Heera Laal Choudhari, Resident of
Village- Middle Tola Sahora Anantpur, Post Office- Anandpur, Police Station-
Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. Shri Santosh Kumar Mall Son of Not Known at present posted as Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. Shri Dilip Kumar, Son of Not Known, at present posted as Chief Engineer, Water Resources Department, Gandak Project, Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Shankar Roy, Advocate

For the Opposite Party/s : Mr.Standing Counsel 11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 17-04-2026 Heard learned counsel appearing for the petitioner and

learned counsel appearing for the Opposite Parties.

2. The present application has been filed for initiation
of contempt proceedings against the opposite parties for their
willful, intentional, and deliberate disobedience of the order
dated 22.07.2024 passed in CWJC No. 8654 of 2019.

3. Learned counsel appearing for the petitioner
submits that the order, compliance of which is under
consideration in the present contempt proceedings, has not been
duly complied with. Instead, the appellate authority has passed



an order remanding the matter back to the disciplinary authority. It is further submitted that upon such remand, the disciplinary authority has converted the proceeding into one under Section 43B of the Bihar Pension Rules, in gross violation of the established legal provisions.

4. Learned counsel for the petitioner further submits that the initiation of proceedings under Section 43B is only with a view to circumvent and flout the order of this Hon'ble Court, which has been brought on record as Annexure R/4 to the show cause filed by Opposite Party No. 3. He further submits that whatever be the amount held towards retiral dues of the petitioner is absolutely illegal. It is, therefore, contended that immediate interference by this Court is warranted.

5. On the contrary, learned counsel appearing for Opposite Party No. 2 submits that the order passed by this Court in the writ petition has been complied with in its true letter and spirit. It is submitted that although the appellate authority allowed the appeal, it remanded the matter back to the disciplinary authority, and in compliance thereof, the disciplinary authority proceeded under Section 43B of the Bihar Pension Rules. Thereafter, upon consideration of the entire materials on record, a reasoned order has been passed, which



has been annexed as Annexure R/4 to the show cause.

6. After hearing the parties and upon perusal of the materials available on record, and on a bare reading of the order contained in Memo No. 1316 dated 28.03.2026 (annexed as Annexure R/4 to the supplementary show cause filed on behalf of Opposite Party No. 3), this Court is of the opinion that the petitioner ought to assail order dated 28.03.2026 before the appropriate forum.

7. It is further made clear that, insofar as the submission of learned counsel for the petitioner regarding the alleged illegality in withholding the retiral dues is concerned, this Court is of the considered view that such an issue cannot be adjudicated in the present contempt proceedings, particularly when the order passed in purported compliance with the writ court's directions is itself open to challenge before the appropriate forum.

8. Accordingly, the present MJC petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

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