
(2021) 03 JH CK 0203
In the Jharkhand High Court
Case No : Cont. Case (Civil) No. 601 of 2013

Balmiki Tiwari

APPELLANT

Vs

State of Jharkhand & Anr

RESPONDENT

Date of Decision : 25-03-2021

Acts Referred:

Contempt of Courts Act, 1971 — Section 11, 12

Citation : (2021) 03 JH CK 0203

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Amit Kumar Tiwari, Navneet

Judgement

The matter has been taken up through video conferencing.

At the outset, Mr. Amit Kumar Tiwari, learned counsel for the petitioner has submitted that he may be given liberty to make necessary correction in the name of Opp. Party No. 2, since in place of Mr. Amrendra Pratap Singh, Secretary Human Resources Development Department new incumbent, Mr. Rahul Sharma, Secretary, School Education and Literacy Department, Govt. of Jharkhand has joined.

Due to COVID-19 pandemic since there is less movement of Members of Bar, therefore office is directed to make necessary correction in the name of Opp. Party No. 2, by deleting the name of Mr. Amrendra Pratap Singh and in his place the name of Mr. Rahul Sharma, be added, who is at present working as Secretary, School Education and Literacy Department, Govt. of Jharkhand.

The instant contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act against the Opposite Parties for alleged willful and deliberate non- compliance of order dated 03.12.2018 passed in W.P. (S) No. 1780 of 2015.

In the instant contempt case, order was passed on 01.02.2021 admitting the fact

that no endeavor has been taken by the authorities to test the veracity of the medical prescriptions/cash memo pertaining to expenses incurred on the son of the petitioner and as such a week's time was sought for to come with the compliance report.

Thereafter, when the matter was taken up on 26th February, 2021, again learned counsel for the Opp. Parties sought for time to file supplementary show cause and accordingly matter was adjourned Today, when the case has been taken up, Mr. Navneet, A.C to learned S.C. V by referring to statement made in the show cause filed on 03.03.2021 has submitted that the Department of Health, Medical Education and Family Welfare is the competent authority to grant sanction of the bills pertaining to medical reimbursements. As per the guidance of the Department of Health, the petitioner was repeatedly directed to submit certain documents, but he failed to do so.

Be that as it may, the fact remains that order passed by this Court has not been complied with.

This Court, therefore, is of the view that the order passed by the writ Court has deliberately not been complied with.

However, one more indulgence is being granted to Opp. Party No. 2 to file compliance report failing which on the next date of hearing the Secretary, School Education and Literacy Department, Govt. of Jharkhand will have to appear for framing of charge.

List this case on 8th April, 2021.