

(2002) 10 PAT CK 0057
In the Patna High Court
Case No : M.J.C. No. 2005 of 2000

Chiranjeev Jha

APPELLANT

Vs

Sri Kumar Gauri Shankar Sinha and Others

RESPONDENT

Date of Decision : 30-10-2002

Acts Referred:

Citation : (2003) 51 BLJR 79

Hon'ble Judges : Chandramauli Kr. Prasad, J

Bench : Single Bench

Advocate : Taranath Jha, for the Appellant; Satyavrat Verma, JC to GP VIII (for Board, for the Respondent

Final Decision : Dismissed

Judgement

Chandramauli Kr. Prasad, J.—This application has been filed for initiating a proceeding for contempt of Court against the opposite parties alleging non-compliance of the Court's order dated 26-7-1999 passed in M.J.C. No. 2483 of 1997.

2. While disposing of the said contempt application, this Court observed as follows:

"In view of the aforesaid development, unqualified apology tendered by the opposite party and step that has been taken, I find no reason to proceed in the matter further. It is expected that the Chairman, Bihar Sanskrit Shiksha Board will act on the basis of Government decision aforesaid dated 22nd July, 1999 so that the teachers of the school may derive benefit in accordance with law. If the Board and its authority do not act in accordance with letter dated 22nd July, 1999 immediately, in that case, the petitioner may ventilate his grievance before appropriate forum/Court of law."

Complaining non-compliance of the aforesaid order, the present application has been filed. Mr. Jha, appearing on behalf of the petitioner submit that the petitioner was entitled to derive benefits in view of the order of the State

Government dated 22nd July, 1999 but the same has not been paid.

3. Mr. Ujjawal, however, appearing on behalf of the opposite party submits that while disposing of the aforesaid contempt petition, this Court had not adjudicated as regards the benefit which the petitioner shall be entitled and further this Court having given liberty to this petitioner, in case the Board do not act in accordance with the said decision, to ventilate his grievance before the appropriate forum/Court of law, the apposite parties have not violated any order of this Court and as such, proceeding for contempt, cannot be initiated against them.

4. Having appreciated the rival submissions, I find substance in the submission of Sri Ujjawal. While disposing of the contempt application, this Court had not adjudicated the benefit which the petitioner shall be entitled in view of the order of the State Government dated 22nd July, 1999. In case of not giving the benefit in terms of the order of the State Government, the petitioner was given liberty to ventilate his grievance before the appropriate forum/Court of law.

5. In view of the aforesaid, no case for initiating a proceeding for contempt of Court against the opposite parties, has been made out. Petitioner, if so advised, may take recourse to any other remedy available to him in law.

6. Application stands dismissed with the aforesaid observation.