
(2007) 01 PAT CK 0165
In the Patna High Court
Case No : MJC No. 19 of 2000

Devendra Mishra

APPELLANT

Vs

Rajiva Lochan Prasad Sinha and Others

RESPONDENT

Date of Decision : 24-01-2007

Acts Referred:

Citation : (2007) 2 PLJR 476

Hon'ble Judges : J.N. Bhatt, C.J;S.K. Sinha, J

Bench : Division Bench

Advocate : Girish Shankar, Cabinet Secretary and Yogendra Prasad, Law Secretary Officials Present, M.P. Gupta, Prem Kumar Jha, K.M. Joseph and Hemant Kumar, for the Appellant; P.K. Shahi, M/s. Girish Shankar, Cabinet Secretary and Yogendra Prasad, Law Secretary Officials Present, for the Respondent

Judgement

1. Pursuant to our earlier direction the Advocate General and officers of the Government including the Law Secretary are present. The learned counsel Mr. M.P Gupta and other counsel are, also, present. On behalf of the respondents, an affidavit, in reply, by way of show cause, has been filed by the Chief Secretary, along with Annexures A to G, running into 63 pages. Our attention has been drawn, relying upon the said affidavit, that the pendency of contempt cases, pending against Government, as on 9.8.2006, was 481 which has now, been reduced to 85 which is heartening and encouraging. It has been further stated that out of 85 such cases, 12 more cases have been dealt with in the meanwhile.

2. We have desired to attend and dispose of them also on or before the next date.

3. So far as six cases as per Annexure G, annexed to the show cause, namely, MJC No. 1040 of 1994, MJC No. 2576 of 1995, MJC No. 438 of 1997, MJC No. 1032 of 1997, MJC No. 1087 of 1997, and MJC No. 993 of 1993, are concerned, it has been submitted that they have not been identified and it is not clear whether they are contempt matters or not. On getting the matter enquired from the Registry, with reference to Annexure G, it appears that all these six matters,

as enumerated in the list, Annexure G annexed along with the affidavit filed today, are old contempt matters. The respondents are, therefore, directed to attend these cases on priority basis because they are very old matters.

4. The learned Advocate General states, before us, that of the officers, who are present in Court, namely, Cabinet Secretary, Deputy Secretary (Cabinet), Law Secretary and Special Secretary, one of them, in consultation with the Registry, will ascertain the number of cases which have been, hitherto, disposed of, but are still shown alive on the file of the High Court. They need to be shown "disposed of" when there is report of compliance of the order. We hope and trust, on or before the next date, this process shall be concluded so that we can pass further orders

5. In so far as present pendency is concerned, we are told at the Bar that 41 contempt cases are pending against the State Government and 31 cases are pending against non-Government bodies. We have also instructed the respondents that such cases should be, expeditiously, dealt with as directed earlier and the status be shown on or before the next date.

6. As far as four contempt petitions, as stated in item nos. (i) MJC No. 2590 of 2004, (Bihar Raksha Wahini Swamesavak Sangh vs. State of Bihar & Ors), (ii) MJC No. 79 of 2006 (Rita Kumari vs. State of Bihar & Others), (iii) MJC No. 81 of 2006 (Awdhesh Prasad vs. State of Bihar & Others) and (iv) MJC No. 1542 of 2006 (Nidan vs. State of Bihar & Others), as mentioned in paragraph 11 of the affidavit, are concerned, it is submitted by the learned Advocate General, that representations of the petitioners, in MJC No. 2590 of 2004 and MJC No. 79 of 2006 have been disposed of and in MJC No. 1542 of 2006, the original writ petition bearing CWJC No. 9698 of 2005 has been revived upon request of the petitioner.

7. In view of such submissions, Mr. M.P. Gupta, learned counsel for the petitioner, seeks permission to withdraw these contempt petitions. Accordingly, permission is accorded and these three contempt petitions shall stand dismissed as withdrawn.

8. So far as item no. (iii) of paragraph 11 of the affidavit viz. MJC No. 81 of 2006, arising out of CWJC No. 8042 of 2005 is concerned, it is stated that in the affidavit in reply filed on behalf of the respondents, it is stated that a show cause has already been filed by the District Magistrate, Jehanabad and thus, it is stated before us that this case is to be disposed of. Accordingly, this case shall also stand disposed of.

9. Mrs. Praveena Kumar Roy, learned counsel appearing for the petitioner in M.J.C. No. 896 of 2006 states that the petitioner in that case has yet not received any information about compliance of the order. It is in these context, learned Advocate General states that on or before the next date this matter will be taken up.

10. Mr. Vishnu Kant Dubey, learned counsel states that he has also not received any information about the compliance of the order passed in MJC No. 1101 of 2006 (Shyam Sunder Singh vs. the State of Bihar & Others), to which learned Advocate General has submitted that the Cabinet of the Government has already taken a decision in the last meeting, to appoint the petitioner to the post of Secretary, Vidhan Sabha. In view of the aforesaid submissions, this application shall also stand disposed of.

11. Learned Advocate General states that the aforesaid enumerated cases are referable to cut off date "9th August, 2006" and thereafter, about 500 more cases have been filed out of which many cases have been dealt with and disposed of and rest are being monitored and processed. We have requested him to give us the status of the said cases on the next date.

12. We direct the office to notify this matter on 1.3.2007. Let a copy of this order be given to both the parties.