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**(2010) 02 PAT CK 0075**

**Patna High Court**

**Case No:** M.A. No's. 88 to 94 of 2010

Jyoti Kumar

APPELLANT

Vs

Ramdeo Yadav and Others

RESPONDENT

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**Date of Decision:** Feb. 8, 2010

**Citation:** (2011) 1 PLJR 917

**Hon'ble Judges:** Dipak Misra, C.J; Mihir Kr. Jha, J

**Bench:** Division Bench

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### **Judgement**

@JUDGMENTTAG-ORDER

1. Heard Mr. Durgesh Nandan, learned Counsel for the Appellants and Mr. Umesh Kumar Mishra, learned Counsel for the Respondents.

2. In these appeals assail is to the common order dated 2.12.2009 passed by the learned Single Judge in M.J.C. No. 1893 of 2008\* Sadanand Baitha and Anr. v. The State of Bihar and Ors. and other connected matters wherein he has held as follows:

Thus, it would be seen that notwithstanding judgment of this Court delivered on 20.5.2008 first authorities start moving in March, 2009, contempt applications having been filed in July-August, 2008 itself. Then they await not the result but filing of the L.P.A. as if the authorities have a right not to implement the judgment of this Court because they intend to file L.P.A. and so long as they sleep over the matter, they can stay the implementation of the judgment of this Court. This I say because up to April, 2009 i.e. for whole of year the L.P.A was not filed. Then when it was filed and summarily dismissed then again there are only letters which run from pillar to posts without delivery. It is regretted that till today which is more than 1 and ½ years after the judgment and almost 8 months after dismissal of L.P.A. the Petitioners are yet to reap full benefit of the judgment of this Court. This clearly shows the reluctance on parts of the Regional Deputy Director, Education, Saran, and the District Education Officers, Chapra and Siwan to take effective steps for giving the benefit of the judgment to the Petitioners without any undue favour. That

is indeed a serious matter. It affects the majesty of Court, the dignity of Court and is destructive of rules of law in every aspect. All steps are calculated steps to delay if not deny implementation of orders of this Court. Where efforts were made to comply the orders of this Court like by the District Education Officer, Gopalganj, he was pulled up by the Regional Deputy Director, Education. In such a situation, I am left with no options but to hold the Regional Deputy Director, Education, Saran, the District Education Officer, Siwan and the District Education Officer, Chapra, guilty of willful committing contempt of this Court. In view of the undertaking earlier given by the Director, Primary Education that entire payment would be clear within two months as recorded in order dated 20.11.2009 I direct that each of the Petitioners be compensated with a cost of Rs. 20,000/- (Rupees twenty thousand) which would be recovered from these three officers, but payment to the Petitioners would not await recovery. That would be an adequate punishment for the contempt they have committed. All these contempt applications in so far as these contemnors are concerned stand discharged in the manner indicated above.

3. Mr. Durgesh Nandan, learned Counsel appearing for one of the contemnors stated that the amount which is payable to the writ Petitioners who had initiated the proceeding for contempt has been paid. Learned Counsel submitted that when the order has been complied in entirety, there was no justification on the part of the learned Single Judge to direct payment of compensation by way of costs at Rs. 20,000/- to be recovered from the contemnors. Be it noted, Rs. 20,000/- has been awarded as costs for each of the writ Petitioners. On a query being made, Mr. Umesh Kumar Mishra, fairly stated the major amount has been paid but some amount still is due.

4. Having heard learned Counsel for the parties and upon perusal of the order of the learned Single Judge, we are of the considered opinion that when steps have already been taken and assurance for payment has been made, there was no justification to impose costs which did tantamount to punishment for contempt. We are disposed to think they were making all endeavour to comply with the order of this Court and hence a finding that they had committed contempt should not have been recorded and also taking note of the fact the major amount has already been paid and what remains to be paid is in the realm of dispute, we are inclined to set aside that part of the order where the learned Single Judge has found them guilty and imposed punishment. We further hold that in case any dispute remains, as agreed to Mr. Durgesh Nandan, if a representation is made within a period of three months, the same shall be looked into within a period of three months therefrom and an order shall be communicated.

5. In the result, these appeals are allowed and the order passed in the MJC is set aside to the extent indicated above. As we have disposed of the appeals, nothing would remain to be adjudicated in the MJC and, accordingly, it shall be deemed to have been disposed of. If any other grievance is alive as conceived by the learned

Counsel for the Respondents, it is open to them to file independent petition, if so advised.

6. A copy of this order be kept in the file of each MJC.