

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4955 of 2011

Sarita Choudhary, Wife of Dr. Sudhir Kumar, at present posted as Joint Director, Industries Development, New Secretariat, Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri C.K. Mishra, Principal Secretary, Department of Industry, Government of Bihar, New Secretariat, Patna.
3. Sri Bimla Nand Jha, the Director of Industries, Department of Industry, Government of Bihar, New Secretariat, Patna.
4. Sri Vijay Kumar Singh, the Special Secretary Department of Industry, Government of Bihar, New Secretariat, Patna

.... Opposite Parties

with

Miscellaneous Jurisdiction Case No. 600 of 2012

1. The State Of Bihar
2. The Principal Secretary, Department of Industry Govt. of Bihar, New Secretariat, Patna.
3. The Director of Industries, Govt. of Bihar, New Secretariat, Patna

.... Petitioner/s

Versus

Sarita Choudhary, wife of Dr. Sudhir Kumar, at present posted as Joint Director, Industries Department, New Secretariat, Patna.

.... Opposite Parties

with

Civil Review No. 332 of 2011

IN

Civil Writ Jurisdiction Case No. 11986 of 2008

Sanjay Kumar Singh, son of Sri Shivjee Singh, Resident of 1/9 Anandpuri, West Boring Canal Road, P.S.-North Srikrishnauri, District-Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Industry, Govt. of Bihar, New Secretariat, Patna.
3. The Director of Industries, Govt. of Bihar, New Secretariat, Patna.
4. Smt. Srita Choudhary, Wife of Dr. Sudhir Kumar, at present posted as Joint Director (Technical) Industry Department, Government of Bihar, New Secretariat, Patna.

.... Opposite Parties

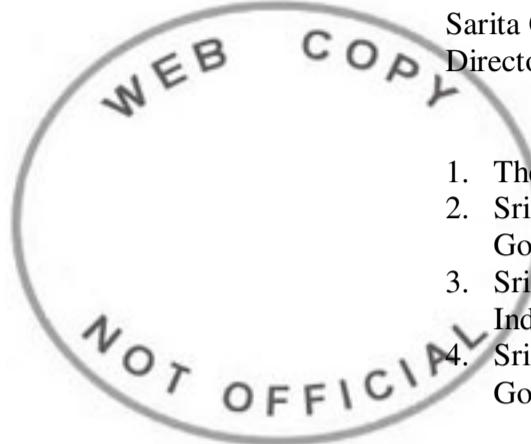
Appearance :

(In MJC No.4955 of 2011)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite party/s : Mr.

(In MJC No.600 of 2012)



For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. P. N. Shahi, A.A.G. 14
(In C. REV. No.332 of 2011)
For the Petitioner/s : Mr. Chitranjan Sinha, Advocate
For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

5. 29-02-2012

Mr. Chitranjan Sinha, learned senior counsel for the petitioner in Civil Review No. 332 of 2011, Mr. Sanjeev Kumar Mishra in M.J.C. No. 4955 of 2011 and Mr. P. N. Shahi, learned A.A.G. 14 assisted by Mr. Neeraj Nandan, learned G.P. 20 for the petitioner in M.J.C. No. 600 of 2012 are present.

The contempt application was filed alleging non-compliance of the order dated 13.07.2011 passed in C.W.J.C. No. 11001 of 2011. In view of the issues which were to be decided the opposite parties were unable to comply with the order in time as was stated by them in their show cause. This Court would not like to go into the merits of the matter since for considering the contempt matter, this Court or the parties cannot go behind the order or try to justify non compliance on grounds which might have bearing on the merits of the matter. Faced with such a situation the opposite parties have also filed M.J.C. No. 600 of 2012 by which they have sought further time for complying with the order dated 13.07.2011. There is yet another issue which is connected with the lis involved in these cases, that is, Civil Review No. 332 of 2011 which has been filed by persons who shall also be affected by any order which the opposite parties will pass in

compliance of the order dated 13.07.2011. The review application was filed for the reason that in another case the petitioner of civil review application has got an order dated 20.06.2011, by which it was directed that the Principal Secretary of the Industry Department shall ensure disposal of the objection filed by the petitioner with regard to the tentative gradation list dated 01.10.2007 and 31.01.2008. This gradation list is the main bone of contention and the opposite parties had, for the reason that the same was not yet finalized, prayed for extension of time.

Upon considering the matter from all angles and upon hearing learned counsel for the parties, this Court deems it appropriate to grant the opposite parties further time for complying with the order dated 13.07.2011.

Accordingly, the order dated 13.07.2011 passed in C.W.J.C. No. 11001/2011 is modified to the extent that the earlier direction given for consideration of promotion to the post of Additional Director being taken to its logical conclusion stands extended till 31st of July, 2012, as has been prayed by Mr. P. N. Shahi, learned A.A.G. 14.

This Court hopes and expects that there shall be no occasion for the opposite parties to come before this Court seeking further extension of time for compliance of the order dated 13.07.2011. This Court would also like to clarify that compliance of the order dated 13.07.2011 would necessarily mean that the opposite parties shall also be obliged to consider all aspects and

issues which may be brought to their notice by the parties who are likely to be affected.

All these three cases accordingly stand disposed off.

(Ahsanuddin Amanullah, J)

Anand Kr.

