

Hari Gopal Basak and ors Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-11-2012

Appellant : Hari Gopal Basak and ors

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Miscellaneous Jurisdiction
Case No.2066 of 2011 Hari Gopal Basak & Ors Versus The State Of Bihar & Ors
----- 3. 11.01.2012 Heard learned counsel for the petitioners
and the opposite parties. It is submitted that in compliance of the order of the writ
Court the respondents passed necessary appropriate orders granting the benefit
of A.C.P. to the petitioners along with others on 29.3.2010. When the actual
benefits of the same were not made available to the petitioners and directions
were given on 12.10.2011 for personal appearance of opposite party nos. 3 and 4,
out of spite they have passed fresh orders on 14.12.2011 varying the same to the
prejudice of the petitioners contrary to law. The petitioners have been singled out
for such treatment out of the several persons mentioned in the order dated
29.3.2010. They have been subjected to hostile discrimination vis--vis one Bipin
Bihari Choudhary who is similarly situated but remains unaffected. There may be
others similarly situated also. Counsel for the opposite parties submits that the
order dated 29.3.2010 at Clause-2 itself stated that in the event of any error being
detected 2 appropriate corrective action may be taken. The subsequent order
dated 14.12.2011 adequately refers to the earlier order dated 29.3.2010 and that
errors had been noticed. A Departmental Screening Committee considered the

matter on 25.11.2011. On consideration of the matter, no further enquiry is possible in the contempt jurisdiction. For purposes of the present jurisdiction the order dated 14.12.2011 shall suffice. Whether the latter order is in consonance with the law, it was discriminatory and made out of spite or not, is a matter to be more appropriately considered in the writ jurisdiction where the petitioner can also avail such appropriate relief as he may be advised in the event that he succeeds. The contempt proceeding stands disposed. P. Kumar (Navin Sinha, J.)

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