

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.552 of 2025**

**In**  
**Miscellaneous Jurisdiction Case No.4570 of 2018**

Janardan Prasad Singh, Son of Late Ram Lakhan Singh, Resident of Village Rupaspur, Post-Gosaimath, Police Station-Chandi District-Nalanda.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Magadh University
4. The Registrar, Magadh University,
5. The Vice-Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.

... .. Respondents

with

**Letters Patent Appeal No. 534 of 2025**

**In**  
**Miscellaneous Jurisdiction Case No.4570 of 2018**

1. The State of Bihar through the Principal Secretary, Education Department  
Namely Mr. R.K. Mahajan.
2. The Director, Higher Education Department, Govt. of Bihar, Patna namely  
Mr. Sushil Kumar.

... .. Appellants

Versus

1. Janardan Prasad Singh Son of Late Ram Lakhan Singh, Resident of Village -  
Rupaspur, Post - Gosainmath, Police Station - Chandi, District- Nalanda.
2. The Vice - Chancellor, Magadh University, namely Dr. Kamar Ahsa. The  
Registrar, Magadh University, namely Colonel Pranav Kumar.
3. The Vice Chancellor, Patliputra University, Patna, namely Dr. Gulabchand  
Ram Jaiswal.
4. The Registrar, Magadh University, Namely Colonel Pranav Kumar,
5. The Registrar, Patliputra University, Patna namely Colonel Manoj Kumar  
Mishra.

... .. Respondents

**Appearance :**

(In Letters Patent Appeal No. 552 of 2025)

For the Appellant/s : Mr. Dipak Kumar, Advocate

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13



Mr. Ravi Kumar, AC to AAG-13  
Mr. T.P. Singh, AC to AAG-3  
For the MU : Mr. Harsh Singh, Adv.  
For the PPU : Mr. Rana Vikram Singh, Adv.  
Mrs. Rasika, Adv.  
(In Letters Patent Appeal No. 534 of 2025)  
For the Appellant/s : Mr. P.K. Shahi, AG  
Mr. Sarvesh Kumar Singh, AAG-13  
Mr. Ravi Kumar, AC to AAG-13  
For the Respondent/s : Mr. Dipak Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE HARISH KUMAR  
CAV JUDGMENT  
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

**Date : 26-02-2026**

Heard the learned counsel appearing for the respective parties in both the appeals.

2. Since both the appeals arise out of the order passed in M.J.C. No. 4570 of 2018 (in C.W.J.C. No. 8120 of 2016), they were heard together and are being disposed of by this common order.

3. L.P.A. No. 552 of 2025 has been preferred by the writ petitioner–appellant, Janardan Prasad Singh, assailing the impugned order dated 03.04.2025 passed in M.J.C. No. 4570 of 2018. On the other hand, L.P.A. No. 534 of 2025 has been filed by the State of Bihar and its authorities challenging the same impugned order.

4. The brief facts leading to the filing of the present appeals are as follows:-

(i) The writ petitioner–appellant had preferred



C.W.J.C. No. 8120 of 2016 for the following reliefs:-

*“(i) For quashing the information/order dated 23.12.2014 as well as dated 19.02.2015 by the respondent no. 4 contained in Annexure: 12/1 and 12/2 by which it has wrongly been held without giving any reason that the case of the petitioner comes under the purview of "Vitt Rahit Shiksha Niti" which came into force from 19.10.1982 and in the light of that, the representation of the petitioner is not liable to be considered.*

*(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents-State specially Respondent No. 2 to 5 to pay arrear of admissible salary to the petitioner with effect from 09.08.1985 to 30.06.2013 similar to the employees working in deficit grant affiliated colleges as the affiliation of G.D.M. College, Harnaut, Nalanda was granted on 09.09.1981 by the State Govt. under "Vitt Sahit Shiksha Niti" and the petitioner was appointed to the first post of Mathematics subject as Lecturer on 16.02.1979 i.e. much prior to 19.10.1982, the date on which "Vitt Rahit Shiksha Niti" came into force.*

*(iii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents to treat the service of the petitioner as Lecturer to the first post of*



*Mathematics subject of G.D.M. College, Harnaut, Nalanda from the date of his initial appointment dated 16.02.1979 concurred by the Bihar College Service Commission vide its memo no. 593 dated 09.08.1985 under the provisions of Bihar State Universities Act, 1976.*

*(iv) For issuance of an appropriate writ/writs, order/orders direction/directions to the respondents-State to fix pension and to allow other financial admissible benefits with it for the petitioner similar to employees working in deficit grant affiliated colleges under the provisions contained in Governor's Secretariat letter vide no. BSU 47/2013-93 GS(1) dated 15.01.2014.*

*(v) For all consequential reliefs to which the petitioner is found entitled in course of hearing of this writ application.”*

(ii) The afore-noted writ petition was disposed of vide order dated 27.03.2018, which reads as follows:-

*“In view of the aforesaid fact the State is not allowed to treat differently even in the matter of distribution of largess and bounty as held out by the Apex Court in the case of R.D. Shetty vs. IAAI & Ors reported in AIR 1979 Supreme Court 1628 in the matter of granting financial assistance to the college, the respondent State cannot adopt two yardsticks*



*one for college in question and different yardstick for other affiliated colleges granted affiliation prior to cut off date of 9.12.1982.*

*In view of the discussion above, the order contained in Annexure-12/1 and 12/2 dated 23.12.2014 and 19.02.2015 cannot sustain and it is accordingly quashed. The respondents are directed to work out the financial assistance admissible to the petitioner institution within a maximum period of six months from the date of receipt/production of a copy of this order.*

*With the aforesaid, the writ petition stands disposed of.”*

(iii) Aggrieved, the State of Bihar preferred an intra-court appeal, being L.P.A. No. 1312 of 2018, which came to be dismissed with the observation that the writ-petitioner may pursue the contempt proceedings stated to be pending before the learned Single Judge, namely M.J.C. No. 4570 of 2018. The State of Bihar thereafter assailed the order dated 27.02.2019 passed in L.P.A. No. 1312 of 2018 by filing Special Leave to Appeal (C) No. 1233 of 2019 before the Hon'ble Supreme Court. The said Special Leave Petition was dismissed on 29.08.2023, wherein the Hon'ble Supreme Court was pleased to affirm the view taken by the High Court, particularly in light of the fact that similarly situated institutions had been extended the



benefits in question.

(iv) The State of Bihar preferred Review Petition (Civil) No. 799 of 2024, which came to be dismissed on 23.04.2024. Thereafter, the State filed Curative Petition (Civil) No. 159 of 2024, which was also dismissed on 24.09.2024.

(v) Notwithstanding the order passed by the learned Single Judge in C.W.J.C. No. 8120 of 2016, which stood affirmed up to the Hon'ble Supreme Court, and despite dismissal of both the Review Petition and the Curative Petition, the State and the University failed to comply with the directions issued therein. Consequently, the writ petitioner pressed M.J.C. No. 4570 of 2018.

(vi) During the course of hearing in M.J.C. No. 4570 of 2018, the learned Single Judge took note of the averments made in the show cause affidavit filed on behalf of the State authorities, wherein it was stated that the Department had issued directions to the concerned University/College to compute the financial assistance admissible to the writ petitioner. In view of the aforesaid facts, vide order dated 10.12.2024 passed in M.J.C. No. 4570 of 2018, the University was directed to constitute a Special Committee for calculation of the admitted dues payable to the writ petitioner in compliance with the earlier



directions. Subsequently, Patliputra University filed a second supplementary show cause affidavit annexing the recalculated claim along with the second interim report of the Special Enquiry Committee. It was further informed that a demand for funds had been submitted to the State Government for disbursement of payment to the writ petitioner. However, upon consideration, it was found that the calculation undertaken by Patliputra University did not include the amount accruing towards pensionary benefits after the voluntary retirement of the writ petitioner on 03.06.2013. Accordingly, the Registrar of Patliputra University was directed to pass a reasoned and speaking order on the petitioner's representation, which had been sent through speed post on 30.01.2024. The University was further directed to furnish complete details of the petitioner's monthly pension from the date of his superannuation. The Principal Secretary, Education Department, Government of Bihar and the Director, Higher Education Department, Government of Bihar were also directed to take necessary steps to ensure release of the funds as requisitioned by Patliputra University.

(vii) Subsequently, in pursuance of the order dated 20.12.2024 passed in M.J.C. No. 4570 of 2018, the Patliputra



University filed third supplementary show cause, bringing on record a reasoned order passed by the Registrar of the University on 16.01.2025. However, the concerned College contradicted the claim of the writ petitioner as well as the Patliputra University; hence, the Registrar of the Patliputra University was directed to verify the original records of the concerned college and the documents filed or relied upon by the writ petitioner.

(viii) Finally, a fourth supplementary show cause came to be filed on 19.02.2025, wherein it has been categorically stated that as per the record submitted by the Principal, G.D.M. College, the total outstanding arrears payable to the writ petitioner calculated and came to Rs. 54,96,294.

(ix) The writ petitioner, on the other hand, filed a rejoinder in response to the fourth supplementary show cause submitted by the Patliputra University with a grievance that as per the latest calculation chart provided by the college, the writ petitioner's basic pay has been shown in the scale of Rs. 400-950, contrary to the petitioner's entitlement to the pay scale of Rs.700-1600. Grievance has also been raised that the writ petitioner has also been denied from his due promotion despite the clear prescription of the statute applicable to him. It is also



submitted by the learned counsel for the writ petitioner that similarly situated teaching staff of Purvottar Railway College, Sonapur, who were also appointed to the first post prior to coming into वित्त रहित शिक्षा नीति i.e. 09.12.1982 and retired after 31.08.2010 are getting post retirement benefit like other employees of the constituent colleges.

(x) On the contrary, learned counsel for the opposite party nos.1 and 2 in M.J.C. No. 4570 of 2018 filed fifth supplementary affidavit and submitted that the matter was placed before the Empowered Committee constituted under the Chief Secretary and the said Committee made its recommendation in compliance with the order of this Court and based upon such recommendation, the Department had passed a speaking order on 12.11.2024 vide Memo No. 1580, whereby payment to the eligible teaching and non-teaching staff of the college was directed for the period from the date of intermediate-level affiliation granted to the said college i.e. 09.09.1981 to 19.10.1982 by treating the college as if it was a deficit grant college. The Department of Higher Education further vide Memo No.1115 dated 05.08.2024, requested the Registrar of the concerned University to make a statement after verifying all the relevant facts in terms with the afore-noted



direction.

(xi) The University calculated the financial assistance admissible to the writ petitioner amounting to Rs. 54,96,294/- based on the U.G.C. pay scale of Rs. 400-950 computing from the date of creation of post. The writ petitioner again contended that the applicable U.G.C. pay scale should be Rs.700-1600, and the payment should have been made accordingly.

5. After careful consideration of the materials brought on record by the respective parties, the learned Single Judge has categorically observed that the disputed question of fact cannot be adjudicated in the present proceeding. Accordingly the contempt application was disposed of with the following observations:-

*“17. In the aforesaid facts and circumstances as well as the submissions of the parties, the University has already calculated the financial assistance payable to the petitioner i.e., amounting to Rs.54,96,294/- (Fifty four lakhs ninety- six thousand two hundred ninety- four). Therefore, it is the liability of the State to disburse the said amount in compliance of the order dated 27-03-2018, passed in C.W. J.C. No. 8120 of 2016, within a period of six weeks.*

*18. It is made clear that the amount*



*required to be paid to the petitioner, as mentioned above, must be positively paid within the stipulated time. Furthermore, petitioner's claim, if any, shall remain open for challenging the calculation done by the respondent authorities. The fact remains that the Opposite Parties- authorities have worked out the financial assistance admissible to the petitioner as required by this court's order dated 27-03-2018, and they have calculated the amount required to be paid to the petitioner though belatedly.*

*19. Thus, this Court disposes of the instant contempt application in the light of the aforesaid direction."*

6. Learned counsel appearing on behalf of the writ petitioner–appellant in L.P.A. No. 552 of 2025 has vehemently contended that the learned Single Judge, while disposing of the contempt application by the impugned order, failed to adjudicate upon the specific claim of the writ petitioner as to whether he was/is entitled to the monetary benefits as directed in the connected writ petition, being C.W.J.C. No. 8120 of 2016. It is submitted that the writ petitioner is entitled to all consequential benefits granted to the colleges which were accorded affiliation prior to 09.12.1982. It is further contended that the order passed by the Registrar is wholly unreasoned and does not address or



decide the claim of the writ petitioner. It is also asserted that the learned Single Judge failed to appreciate that there exists no disputed question of fact in the present case, as the entire claim of the writ petitioner is founded upon the relevant statutory provisions and the Government notification.

7. Adverting to L.P.A. No. 534 of 2025, preferred by the State and its authorities, Mr. P.K. Shahi, the learned Advocate General, has submitted with all his vehemence that the learned Single Judge proceeded to dispose of the contempt application with direction which was not there in the order under contempt. The learned Single Judge vide its order dated 27.03.2018 in C.W.J.C. No. 8120 of 2016, directed to consider the case of the writ-petitioner institution as being covered under the pre-वित्त रहित शिक्षा नीति and grant all the admissible benefits to the colleges which had been granted affiliation prior to 09.12.1982. The authorities were further directed to work out the financial assistance admissible to the writ petitioner. The said order was assailed by the State in L.P.A. No. 1312 of 2018, which came to be dismissed by the learned Division Bench. While dismissing the appeal, the Division Bench categorically observed that the policy applicable prior to 09.12.1982 would govern the case of the respondent-writ petitioner as well. There



was no direction to extend the benefit of deficit grant beyond 09.12.1982, i.e., the date from which the वित्त रहित शिक्षा नीति came into force. Notwithstanding the aforesaid factual and legal position, the learned Single Judge, while exercising contempt jurisdiction, has allowed the writ petitioner the benefit of deficit grant even beyond the date 09.12.1982. Such a direction, it is contended, travels beyond the scope of the original judgment and could not have been issued in a contempt proceeding. It is further submitted that the State Government has considered the case of the writ petitioner and passed a reasoned order by which it has been directed to treat the institution as if it was a deficit grant college from the date of intermediate level affiliation that is 09.09.1981 to 19.10.1982. It is lastly contended that it is a well settled proposition that in contempt jurisdiction the Court will not travel beyond the original judgment and direction; neither would it be permissible for the Court to issue any supplementary or incidental directions, which are not to be found in the original judgment and order. The Court is only concerned with the willful or deliberate non-compliance of the directions issued in the original judgment and order.

8. Before proceeding further, it would be pertinent to state here that the issue with regard to the maintainability of



such an appeal against the order(s) passed in contempt proceedings, has been set at rest by the Hon'ble Supreme Court in the case of **Midnapore Peoples' Co-operative Bank Ltd. and Others v. Chunilal Nanda and Ors. [(2006) 5 SCC 399]**, wherein the Apex Court in para-11 of the decision succinctly summarized the governing principles, which is as follows:-

*"11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:*

*I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt, that is, an order imposing punishment for contempt.*

*II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appellable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.*

*III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters*



*incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.*

*IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of "jurisdiction to punish for contempt" and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.*

*V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases)."*

9. After going through the ruling afore-noted, it is evident that if the High Court decides an issue or makes any direction relating to the merits of the dispute between the parties



in a contempt proceeding, the aggrieved person may challenge the same in an intra-court appeal, if there is such provision or may seek Special Leave to Appeal under Article 136 of the Constitution of India.

10. Now coming to the impugned order, undisputedly the University has filed the supplementary show cause before the learned Single Judge in M.J.C. No.4570 of 2018 with calculation of financial assistance admissible to the writ petitioner-appellant amounting to Rs.54,96,294/- based on the U.G.C. pay scale due from the date of creation of post. Once, based upon the materials available on record, the University has carried out a calculation and produced the same, obviously there is a liability of the State to disburse the said amount to be paid to the writ petitioner-appellant in compliance with the order dated 27.03.2018 passed in C.W.J.C. No.8120 of 2016. Nonetheless, if the appellant in L.P.A. No.552 of 2025 has any grievance with regard to the admissibility of the U.G.C. pay scale, as it has been contended that the pay scale of the writ petitioner-appellant should be 700-1600, in such circumstances, he has the remedy to challenge the action of the concerned authorities by filing appropriate application.

11. The Court while exercising the contempt



jurisdiction is only confined to see as to whether the order under contempt has been complied with in its letter and spirit or there is any willful and deliberate defiance of such order. If the Court arrives at a finding of conscious and intentional defiance of its order, the concerned authorities may be proceeded against and dealt with in accordance with law under the contempt jurisdiction.

12. In the case at hand, the University has made a categorical statement that, in compliance with the order passed by the learned Single Judge in C.W.J.C. No. 8120 of 2016, it has calculated the admissible amount at Rs.54,96,294/- and has requested the State authorities to release the said sum to facilitate payment to the appellant (in L.P.A. No.552 of 2025). In view of such stand and the steps taken pursuant thereto, this Court finds no cogent reason and the ground raised in L.P.A. No.552 of 2025 warranting any interference with the order dated 03.04.2025 passed in M.J.C. No. 4570 of 2018.

13. Similarly, this Court also does not find any merit in the submissions advanced on behalf of the State in L.P.A. No. 534 of 2025. By the order under contempt, the learned Single Judge noticed that upon setting aside the orders dated 23.12.2014 and 19.02.2015, directed the respondent–State and



the University to determine and quantify the financial assistance admissible to the writ petitioner–appellant institution within a stipulated time frame. The said direction was clear, specific, and confined to the working out of the admissible financial assistance in accordance with law. No infirmity, jurisdictional error, or perversity is discernible in the said order so as to warrant interference in appellate jurisdiction.

14. The learned Division Bench on challenge made by the State authorities in L.P.A. No. 1312 of 2018, while upholding the order of the learned Single Judge dated 27.03.2018 in C.W.J.C. No.8120 of 2016, has observed in its paragraph 7 as follows: -

*“7. In the background aforesaid, what we find is that the bone of contention narrows down to the admissibility of the grant-in-aid to the respondent-petitioner. The posts which are claimed to have been sanctioned by the respondent-petitioner under the deeming clause does not appear to be disputed. What appears to be disputed is the date of the applicability of the extension of the benefit of the grant-in-aid to the Institution. We are unable to find any material in the affidavits filed on behalf of the appellant-State, which may establish that the appellants’ claim of having acquired the right to claim grant of funds from the State that had*



*already crystallized prior to 09.12.1982 is in any way diluted. In the absence of any such material to contradict the aforesaid established facts, we do not find that the learned single Judge has committed any error in proceeding to allow the writ petition filed by the respondent-petitioner.”*

15. From perusal of the observation made by the learned Division Bench in L.P.A. No.1312 of 2018, it is manifest that the post which is claimed to have been sanctioned to the writ petitioner-appellant was never in dispute. The controversy was confined solely to the date from which the benefit of grant-in-aid was to be extended to the institution. However, the State failed to controvert the specific claim of the writ petitioner–appellant, who successfully established that his right to receive grant-in-aid from the State had crystallised prior to 09.12.1982. The order passed by the learned Single Judge, as affirmed by the Appellate Court, has further attained finality, after the same having been upheld by the Hon’ble Supreme Court, with both the Review Petition and the Curative Petition standing dismissed. In such circumstances, it was incumbent upon the University to compute and determine the financial benefits payable to the writ petitioner–appellant in terms of the directions issued in C.W.J.C. No. 8120 of 2016. The University



has accordingly undertaken the calculation and requested the State to disburse the admissible amount.

16. In view of the above, this Court finds that the learned Single Judge, while exercising contempt jurisdiction, has not exceeded its jurisdiction. Rather, the directions issued were solely to secure compliance with the earlier order of this Court in its true letter and spirit. The impugned order, therefore, does not suffer from any perversity or palpable illegality. Accordingly, both the Letters Patent Appeals stand dismissed.

17. There shall be no order as to cost(s).

18. It is expected that the State and the University must ensure the compliance of the order of the learned Single Judge, henceforth.

**(Harish Kumar, J)**

**(Sangam Kumar Sahoo, CJ)**

rohit/-

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