ITEM NO.52 COURT NO.4 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 15378/2023

(Arising out of impugned final judgment and order dated 13-07-2023 in MJC No. 5139/2018 passed by the High Court Of Judicature At Patna)

STATE OF BIHAR & ORS. Petitioner(s)

VERSUS

GHANSHYAM PRASAD SINGH Respondent(s)

(IA No.134942/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.134945/2023-EXEMPTION FROM FILING O.T.)

Date : 18-07-2023 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Atmaram Ns Nadkarni, Sr. Adv.
Mr. Rishi K Awasthi, Adv.
Mr. Piyush Vatsa, Adv.
Ms. Ritu Arora, Adv.
Mr. Amit Vikram Awasthi, Adv.
Mr. Rahul Gupta, Adv.
Mr. Punit Vinay, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. The present matter arises out of an order passed by the learned Division Bench of the High Court of Patna issuing bailable warrant(s) to the Additional Chief Secretary, Educational Department, Government of Bihar, Patna.

2. Shri. A.N.S. Nadkarni, learned senior counsel submits that in spite of a detailed affidavit of compliance being placed, the Division Bench has passed the aforesaid order. He has placed on record the order(s) passed by the Bench consisting of one of the learned Judges in 143 matters wherein the Senior Officers of the State Government have been directed to personally appear.

3. It is further to be noted that the learned counsel appearing on behalf of the respondent himself states that the directions which were issued have been complied with and the respondent has no grievance with regard to any of the action or inaction of the State Officers.

4. No doubt that the authorities of the State are bound to comply with the directions issued by the High Court.

5. In a matter wherein there is a patent disregard and disobedience to the directions issued by the Court, the Court would be justified in securing the presence of the officers.

6. However, such a practice should not be adopted as a routine. The Officers of the State Governments are required to discharge their duties towards the citizens of the country.

7. Their presence in the Court wastes precious time which could be otherwise utilized for rendering service to the citizens.

8. Issuing such directions at the drop of the hat, rather

than upholding the majesty of the Court, undermines it.

9. In that view of the matter, issue notice, returnable within six weeks.

10. We stay the impugned order dated 13.09.2022 passed by the High Court of Judicature at Patna.

11. The Registrar (Judicial) of this Court is directed to communicate this order to the Registrar (Judicial) of the High Court of Patna, who shall bring the aforesaid direction to the notice of the Hon'ble the Chief Justice, High Court of Patna.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)