IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.607 of 2025
In
Miscellaneous Jurisdiction Case No.3368 of 2024

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1. The State of Bihar, through Mr. Amrit Lal Mina, Chief Secretary, Government of Bihar, Patna.
2. Mr. Sanjay Kumar Singh, The Principal Secretary cum Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. Md. Sohail, Additional Departmental Inquiry Commissioner cum Enquiry Officer, Government of Bihar, Patna.
4. Mr. Vijay Kumar, Under Secretary, Commercial Taxes Department, Government of Bihar, Patna.

... ... Appellant/s

Versus

1. Mr. Anil Kumar Son of Late Ishwer Sharan Lall, Resident of Village- 54A, Anandpuri, West Boring Canal Road, P.S. Srikrishnapuri, District- Patna.
2. Mr. Raj Kumar, The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Piyush Kumar Pandey, Advocate
For the State : Mr. Vikash Kumar, S.C.-11
For the Respondent/s : Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date : 12-01-2026

This Letters Patent Appeal has been filed challenging the order dated 30.04.2025 passed in M.J.C. No. 3368 of 2024.

The operative portion of the order passed in M.J.C. reads as follows:-

> *"10. In view of **Jankiraman** (supra), the Appointing Authority of the petitioner is under obligation to open the sealed cover and on the basis of the recommendation of the DPC, the petitioner shall be promoted notionally from the*

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date his juniors were promoted. The petitioner is also entitled to get arrears salary in promotional scale from the date of notional promotion. The opposite parties are specifically directed to comply with the above order within a period of four weeks from the date."

2. This M.J.C. No. 3368 of 2024 arose out of C.W.J.C. No. 6902 of 2022 against the order dated 30.04.2025. The opposite party, Anil Kumar approached this Court with the following relief:-

"The petitioner has filed the instant writ petition under Article 226 of the Constitution praying for issuance of writ in the nature of mandamus directing the respondent for payment of leave encashment and gratuity of the petitioner by way of his retrial dues with interest on and from 31.01.2014, the date of superannuation of the petitioner and for an appropriate direction/order/orders/command/commands as may be deemed fit and proper in the facts and circumstances of the case and also for any other relief/reliefs for which the petitioner may found entitled."

3. The scope of contempt proceeding is strictly confined to the four corners of an order or specific prayers made

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in the underlying writ petition, meaning a Court cannot expand the scope of original order or grant new relief testing allegations of disobedience. Contempt jurisdiction is not a substitute for execution proceeding, It cannot be used to direct compliance with things not explicitly ordered. Contempt can only be established if there is a willful and deliberate violation of the specific directions in the judgment/orders. If specific relief was not asked for in the writ petition, the contempt Court cannot later include it in its enforcement orders. Thus, while exercising contempt power, the Court should not issue supplementary directions. If the original order is vague, the proper remedy is to seek clarification from the Court that passed the original order, rather than to expand its scope through contempt proceedings.

4. In the case of ***Jhareswar Prasad Paul & Anr. v. Tarak Nath Ganguly & Ors.***, reported in ***(2002) 5 SCC 352***, it is held as follows:-

> *"...11. It is to be kept in mind that the court exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction should be confined to the question whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is*

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alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained...".

5. The Hon'ble Supreme Court has held, in the case of ***Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited & Ors. v. M. George Ravishekaran & Ors.***, reported in ***(2014) 3 SCC 373***, that:

"...19. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. No order or direction supplemental to what has been already expressed should be issued by the Court while

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exercising jurisdiction in the domain of the contempt law...".

6. In the case of ***V. Senthur & Anr. v. M. Vijayakumar, IAS, Secretary, Tamil Nadu Public Service Commission & Anr.***, reported in ***(2022) 17 SCC 568***, it is held as follows:-

> *"15. There can be no quarrel with the proposition that in a 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 wilful or deliberate non-compliance of the directions issued in the original judgment and order."*

7. It is not in dispute that there was never any prayer in the writ petition seeking the grant of promotional benefits. Even though in the operative part of the order, the words not only pensionary benefits but also all consequential benefits have been used, but when there was no prayer in the writ petition for any promotional relief or promotional aspect, it cannot be said that the learned Single Judge directed the grant of promotional benefits to the opposite party. Therefore, we are of the view that

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the direction passed in paragraph 10, as stated above, is not sustainable in the eyes of law.

8. Accordingly, the same is hereby set aside. It is open to the opposite party to seek appropriate remedy in accordance with law.

9. With the aforesaid observation(s), the appeal stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Sudhir Singh, J)

Neha/-

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Uploading Date	15.01.2026
Transmission Date	

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