

Topic: The Court Of Record And Power To Punish For Its Contempt Under Article 215

Name of the Case: State of Bihar v. Subhash Singh, AIR 1997 SC 1390

Bench: Justice K. Ramasawamy and Justice G.T. Nanavati

Fact of the Case: While disposing of a writ petition, the High Court directed the concerned officer to consider the case and dispose it off within two months. When this did not happen, the High Court imposed the cost on the officer personally for non-compliance of its order. The appeal was filed before Supreme Court.

Judgment: The Supreme Court has emphasised that the head of department or designated officer is ultimately accountable to the court for the result of the action or decision taken. Executive is entrusted to comply with the orders passed by the Court in exercise of judicial review. The Court exercises its power of judicial review to ensure that the executive discharges its power "truly, objectively, expeditiously for the purpose of which substantive, act/result are intended." Executive actions of the state or its official must be carried out subject to the Constitution and within the limits set by the law. "Judicial review of administrative action is, therefore, an essential part of the rule of law."

When the court directs an officer to discharge his duties expeditiously and if it is not done, the officer concerned is required to explain to the court as to the circumstances in which he could not comply with the direction issued by the court. If there was any unavoidable delay, he should have sought further time for compliance. In the instant case, the concerned officer took no such step. The Supreme Court also impressed on the High Court to be circumspect in imposing cost personally against official and keep at the back of his mind that fact in each case.
