

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2424 of 2014

In

Civil Writ Jurisdiction Case No. 12711 of 2006

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1. Awadhesh Prasad S/o Rameshwar Prasad resident of Anisabad, Dhirachak, Bangali tola, P.S.- Gardanibag, District- Patna
 2. Ram Pravesh Singh S/o late Siya Sharan Singh resident at 72, Chaprasi Quarter, R Block, Patna, District Patna

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary, Building Construction Housing Department Vishwesraiya Bhawan, Patna. Mr Chanchal Kumar.
3. The Engineer in chief Building construction department, Patna Mr. Rajendra Prasad Chaudhary
4. The Chief Engineer (Design), Building Construction Department, Patna Mr. Parmanand Tiyaagi.
5. The Superintending Engineer Advance Planning Circle Building Construction department, Patna Shri Navin Kumar.
6. Satyadeo Prasad Singh (Treasure) office of the Executive Engineer, Advance Planning Division – 2 Building Construction department, Patna.
7. Jagnarain Chaudhary (Correspondence Clerk) office of the Executive Engineer, Advance Planning Division 01 Building construction department, Patna.
8. Yogendra Prasad Sharma (correspondence clerk) office of the Superintending Engineer Advance Planning Circle 2 Building Construction department, Patna.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Sanjay Prasad
For the Opposite Parties : AC to SC-17

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 07-01-2015

Heard learned counsel for petitioners and learned A.C.

to Standing Counsel – 17.

The present petition has been filed with a prayer to initiate contempt proceeding against opposite parties on an allegation of wilful disobedience to an order dated 28-01-2014

passed in C.W.J.C. No. 12711 of 2006. The writ court disposed of the writ petition in following terms:-

“This writ application is, accordingly, disposed of with a direction to the respondent-Superintending Engineer, Advance Planning Circle, Building Construction Department, Patna to see to it that a final decision is taken in the matter in respect of promotion of petitioners to class III posts. Respondent shall, in particular, prior to taking final decision, ascertain their claim that their juniors have already been promoted. In this regard final decision shall be taken in accordance with law within three months from the date of receipt/production of a copy of this order.”

In this case, show cause has been filed on behalf of opposite party and alongwith show cause, an order dated 06-08-2014 passed by the Superintending Engineer, Advance Planning Circle, B.C.D., Patna (in short “Superintending Engineer”) has been brought on record, which is kept as **Annexure ‘A’**.

Learned State counsel submits that in compliance with the order of the writ court, the claim of the petitioners was considered and final decision was taken. The claim for promotion to class III post of petitioners has been rejected.

Learned counsel for petitioners tried to persuade the Court that order passed by the Superintending Engineer is wrong and incorrect. He submits that in writ petition, different stand has

been taken, however; in U-turn, the representation of petitioners was rejected by the Superintending Engineer.

Keeping in view the fact that the writ court had directed to dispose of the representation of petitioners in accordance with law and in terms of the order of the writ court, final order has been passed by the Superintending Engineer, while exercising contempt jurisdiction, it would be difficult for this Court to adjudicate on the correctness of the order of the Superintending Engineer. If the petitioners feel aggrieved with the order of the Superintending Engineer i.e. **Annexure ‘A’** to the show cause, they would be at liberty to avail appropriate remedy.

The petition stands disposed of.

(Rakesh Kumar, J.)

Anay/-

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