

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.492 of 2012

Dr. Jay Narayan Prasad S/O Late Shivjee Prasad R/O Village- Laukahi, Post Office and Police Station- Laukahi, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. Sri Amarjeet Sinha, I.A.S., Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
3. Sri Sanjay Kumar, Joint Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
4. Praveen Kumar, Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
5. Dr. Husn Ara Begam W/O Not Known, Medical Officer, Sub Divisional Hospital, Araria, District- Araria

.... Respondents

Appearance:

For the Petitioner : None
For the State : Mr. Rajesh Kumar Sinha, AC to GP 25
For the Resp. No. 5 : Mrs. Asha Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-10-2015

None appears on behalf of the petitioner when the case is called today. Learned counsel for the respondents appears and has been heard.

2. The present petition has been filed alleging willful and deliberate violation of the order dated 20.09.2011 passed in CWJC No. 16125 of 2011 by which Notification No. 531 (3) dated 09.08.2011 as contained in Annexure-7 of the writ petition had been stayed.

3. Learned counsel for the respondents submits that no contempt is made out in the present case as the order of stay as aforesaid had been obtained by the petitioner without bringing to the notice of the Court the fact that on 19.09.2011, a day prior to the order dated 20.09.2011 passed

by this Court, the respondent No. 5 had been appointed on the concerned post. The earlier Notification No. 531 (3) dated 09.08.2011 on its own terms therefore, ceased to be operative by reason of the regular appointment of the respondent No. 5 on the post.

4. In the above view of the matter, this Court is not inclined to proceed further in the matter. The contempt petition stands disposed of.

(Vikash Jain, J)

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