

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3544 of 2014

In

Civil Writ Jurisdiction Case No. 14283 of 2007

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Manoj Kumar Singh, Son of Sri Yogendra Kumar Singh, resident of
Mohalla – Maranpur, P.S. – Civil Lines, Town and District – Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Mr. A. K. Singh, Son of not known.
2. The Gaya Municipal Corporation, Gaya through its Municipal Commissioner-cum-Chief Executive Officer Mr. Ram Bilash Paswan, Son of not known.
3. Mr. Ram Bilash Paswan, Son of not known, the Municipal Commissioner-cum-Chief Executive Officer, Gaya Municipal Corporation, Gaya.

.... Respondents/Opposite Parties

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Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate

For the Respondent (State) : Mr. Rajeev Shekhar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

5 18-03-2015

In compliance of the order of this Court dated 13.01.2014, the Principal Commissioner, Gaya Municipal Corporation, Gaya, has passed an order dated 12.07.2014 holding that the petitioner's appointment was illegal.

This Court had directed the Municipal



Commissioner, Gaya, to pass separate order in case of the present petitioner taking into account the fact that earlier, the Corporation had taken a conscious decision way back in the year 2003 itself by an order dated 30.06.2003 that the petitioner would continue in service, treating his initial appointment to be legal and valid. The petitioner's claim has, however, been rejected by the said order dated 12.07.2014.

Learned counsel for the petitioner submits that passing of the order dated 12.07.2014 by the Municipal Corporation cannot be said to be true compliance of the order of this Court rather a formality has been done while rejecting the petitioner's claim by issuance of the said order.

There was no specific direction in the order of this Court dated 13.01.2014 to consider the case of the petitioner in particular manner. Therefore, it cannot be said that the order passed by the Municipal Commissioner dated 12.07.2014 is in violation of the said order. The petitioner, if aggrieved by the said order, has remedy before the appropriate forum.

In such view of the matter, I do not find any reason

to proceed any further in the present contempt matter.

The petitioner shall certainly have liberty to approach appropriate forum through appropriate proceeding to challenge the order dated 12.07.2014.

This application is, accordingly, dismissed, with the liberty as aforesaid.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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