

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4050 of 2013

In

Civil Writ Jurisdiction Case No. 15306 of 2012

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1. Umesh Prasad Jha, son of late Rama Kant Jha, resident of Village Mirnagar, P.S. Sarmera, Dist. Nalanda at present Peon Field Machinery Division, Water Resources Department, Working at Safiabab, Munger.
 2. Ram Padarath Mahto, son of late Boku Mahton, resident of Village Jagansaidpur, P.S. Sambhoo, Dist. Begusarai at present Peon Field Machinery Division, Water Resources Department, Bhagalpur at present working at Haibatganj.

.... Petitioner/s

Versus

1. Sri Arun Kumar Singh son of name not known to the Principal Secretary to Govt. Water Resources Department, Bihar, Patna.
2. Anand Kumar Dutta, son of name not known to the petitioner, the Under Secretary, Water Resources Department, Bihar, Patna.
3. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tara Nath Jha, Adv.

For the Respondent/s : Mr. G.K. Agrwal, GA-10

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-01-2015

Heard learned counsel for the parties.

Having regard to the fact that the final order has already been passed by the Principal Secretary of the Department rejecting the case of the petitioners for regularization, this Court would now find that the scope of contempt application gets self-circumscribed, inasmuch as, the only plea now being raised by Mr. Taranath Jha that there is no finding in the aforesaid order with regard to the plea of discrimination regarding juniors to the petitioners being regularized, can now only be gone into in a fresh proceeding when the petitioners would assail the aforesaid order.

As a matter of fact, this Court had made it clear that if the petitioners' services were to be regularized, they would also be given the benefit from the date their juniors have been regularized but when the Principal Secretary has found the case of the petitioners not fit for regularization and the petitioners have a grievance as with regard to their juniors being regularized in preference to them, the remedy for them will be again by way of assailing the aforesaid order passed by the Principal Secretary.

That being so, this application is disposed of as having become infructuous but, with a liberty to the petitioners to assail the aforesaid order passed by the Principal Secretary before appropriate forum and/or court.

(Mihir Kumar Jha, J)

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