

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1496 of 2014

In

Civil Writ Jurisdiction Case No. 6434 of 2008

1. Shailendra Kumar, son of Ramasraya Singh, resident of Village Ghangh Sirsee, P.O. Ghangh Sirsee, Via Harnaut, P.S. Bakhtiyarpur, District Patna.
2. Sanjay Kumar, son of Kameshwar Yadav, resident of Village Mankaura, P.S. Mobarakpur, P.S. Barh, District Patna.
3. Bindu Singh, son of Ram Ishwar Singh, resident of Village Mankaura, P.O. Mobarakpur, P.S. Barh, District Patna
4. Rajdeo Prasad, son of late Shiv Prasad Sah, resident of Village and P.O. Nadawan, P.S.Dhanarua, District Patna.
5. Rabindra Sah, son of Sri Ram Ekbal Sah, resident of Village Gonawan, P.O. Sadishopur, P.S. Naubatpur, District Patna.
6. Krishna Deo Yadav, son of Sri Balkeshwar Prasad, resident of Village Deorath, P.O. and P.S. Kako, District Jehanabad.
7. Ashok Kumar Chaudhary, son of late Mangal Chaughary, resident of Village Harnichak, P.O. Anisahabad, P.S. PhulwariSharif, District Patna.
8. Raj Kishroe Prasad, son of Ram Lakhan Prasad, resident of Village Saichak, P.O. Anishabad, P.S. Phulwari Sharif, District Patna.
9. Din Dayal Singh, son of Lakshman Singh, resident of Village Makhdumpur, P.S. Khagaul, District Patna
10. Doman Paswan, son of Biphan Paswan, resident of Village Adampur Lakhani, P.O. and P.S. Khagaul, District Patna.
11. Pran Paswan, son of Mura Paswan, resident of Village Adampur Lakhani, P.O. and P.S. Khagaul, District Patna.
12. Jawahar Paswan, son of Akaj Paswan, resident of Village Adampur Lakhani, P.O. and P.S. Khagaul, District Patna \
13. Kamlesh Prasad Singh, son of Sri Sukhdeo Singh, resident of Village Beur, P.O. Anishabad, P.S. Phulwari Sharif, District Patna.
14. Santosh Kumar, son of Shree Ramashraya Singh, resident of Village Ghangh Sirsee, P.O. Ghangh, Sirsee, via Harnaut, P.s. Bakhtiyarpur, District Patna.
15. Manoj Kumar, son of Sri Lakhan Prasad, resident of Village Salempur (Paijawa Par) P.O. Barh, P.S. Barh, District Patna
16. Anuj Kumar, son of Sri Sarug Mahto, resident of Village & P.O. Shabani, P.S. Bakhtiyarpur, District Patna
17. Arjun Prasad, son of Sri Dwarika Prasad Singh, resident of Village Barah, P.O. Bhuapur, P.S. Belchhi, District Patna
18. Sesho Prasad, son of Sri Dwarika Mahto, resident of Village Barh, P.O. Bhuapur, P.S. Belchhi, District Patna.
19. Chandramauli Paswan, son of Shyamli Paswan, resident of Village More, P.O. More, P.S. Mokama, District Patna
20. Surendra Prasad Singh, son of Badudeo Mahto, resident of Village Bhuapur, P.O. Bhuapur, P.S. Bakhtiyarpur, District Patna.
21. Shalendra Prasad, son of Sri Basho Prasad, resident of Village Bhuapur, P.O. Bhuapur, P.s. Bakhtiyarpur, District Patna
22. Sideswar Prasad, son of Sri Vishwanath Prasad, resident of Village

Sikandra, P.O. Phatahpur, P.S. Patna

23. Satyendra Kumar Singh, son of Alokh Niranjana Singh, resident of Village Ghangh Sirsee, P.O. Ghangh Sirsee, P.S. Harnaut, District Patna.
24. Abhay Singh, son of Sri Nawal Kishore Singh, resident of Village Ghangh Sirsee, P.O. Ghangh Sirsee, P.S. Harnaut, District Patna
25. Manoj Kumar, son of Sri Damodar Paswan, resident of Village More, P.O. More, P.S. Mokama, District Patna.
26. Rajesh Kumar son of Sri Ram Lalit Prasad resident of Mohalla Sisa Mil, P.O. + P.S. Phatuha, District Patna.
27. Mahesh Tiwari, son of Sri Late Shashi Kant Tiwari, resident of Mohalla Dariapur, P.O. Nandlalbagh, P.S. Gaurichak, District Patna.
28. Ashok Kumar, son of late Khanhaiya Lal, resident of Mohalla Shadhara Main Road, P.O. Madhav Mill, P.S. Malsalami, District Patna
29. Rajeshwar Prasad, son of late Bishunee Singh, resident of Mohalla Bhagwanpur, P.O. Rukunpur, P.S. Phatuha, District Patna.
30. Dhiraj Kumar, son of late Kishori Singh, resident of Mohalla Baruna, P.O. Baruna, P.S. Phatuha, District Patna
31. Vijay Kumar, son of Shree Ramugran Mahto, resident of Mohalla Gharuha Tola, P.O. Mahendru, P.S. Sultanganj, district-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Deepak Kumar, the Health Commissioner-cum-Secretary, Department of Health(Health) Medical Education and Family Welfare, Government of Bihar, Patna
3. Dr. Surendra Prasad, the Director-in-Chief, Health Services Department of Health, Government of Bihar, Patna
4. Dr. N. Kumar Sarvan, the District Magistrate, Patna
5. Dr. Raj Kumari, the District Malaria Officer, Patna
6. Dr. K.K. Mishra, the Civil Surgeon-cum-Chief Medical Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Respondent/s : Mr. S.Raza Ahmad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

5 22-05-2015 Heard learned counsel for the petitioners and learned counsel for the State.

In the present application grievance has been made by the petitioners for non-compliance of the order dated 9.11.2011 passed in C.W.J.C. 6434 of 2008 and analogous

cases in which the Court has directed in the following terms:



“ In my view, this Court has on number of occasions, considered these matters and it has been clearly pointed out that the stipulation of 240 days is a stipulation for the purposes of regularization of persons working and for the purposes of giving recommendation/preferences in matter of employment. This Court has already noticed this situation in C.W.J.C. No.12400 of 2003 Sushil Prasad and others Vs. State of Bihar and others disposed of on 8.4.2011. It has been held that the decision of the State Government directing empanelment of seasonal D.D.T. workers is not subject to the condition that they must have worked for 240 days because by nature of their duty itself, it is not possible. More over it may be pointed out the question here is of empanelment for later being given jobs. The empanelment only entitled to being considered in order of their seniority and does not ensure an employment. In that view of the matter, I have no option but to direct the respective District Magistrate-cum-Collector of the Districts to accept the lists of candidate for empanelment as being recommended by the first Medical Officer-cum-Civil Surgeon of the respective Districts. It may be mentioned that D.D.T. spray is seasonal and is continuing all persons who were prepared in 1991 are require to be empanelled upon recommendation being made and the District Magistrate-cum-Collector cannot refuse empanelment.”

In pursuance thereof as per the claim of the petitioners the Civil Surgeon has prepared the name of all persons who were engaged in DDT Spray which was sent to the District Magistrate which has not been accepted by him and the same was confined to only the persons who were engaged up to

1991.

This Court does not find any error in the action of the District Magistrate. However, the petitioners, if so advised, they may take legal recourse in accordance with law.

Accordingly this contempt petition is dismissed.

(Shivaji Pandey, J)

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