

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6 of 1993

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Sri Dina Nath Bhagat, Son of Sri Jagdish Prasad Bhagat, resident of Mohalla- Kali Bazar, Ward No. 9, Araria Municipality, Police Station- Araria, District- Araria.

.... Petitioner

Versus

- .1 The State of Bihar, through Sri Arun Pathak, Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Sri K.B. Saxena, Additional Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. Sri Chintu Nayak, Divisional Commissioner, Purnea Division, Purnea.
4. Sri A.K. Singh, Collector, Araria.
5. Sri J.P. Singh, District Establishment Deputy Collector, Purnea.
6. Sri B. Pradhan, present District Magistrate, Araria.

.... Opposite parties(Contemnors)

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Appearance :

For the Petitioner : Mr. Ashok Kumar Mallick, Advocate.
For the O.Ps. : Mr. Vishwambhar Pd., A.C. to AAG IX,

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

9 02-04-2015 Heard learned counsel for the petitioner and learned counsel for the State.

On a perusal of the order passed in this case from time to time by this Court, we do not find that at any stage proceedings of contempt have been initiated against any of the opposite parties. On the basis of averments made by the petitioner, a direction was issued by this Court on 03.07.1995 to file a supplementary show cause stating therein the names of the persons engaged on daily



wages in the office of the Collector and the other offices under him, after passing of the order by this Court. It was made clear that if any such appointment will be found to have been made by the Collector or any authority, it will prima facie amount to disobedience of the order of this Court. Subsequently, the matter had come under the heading “For Admission” and ultimately it was admitted for hearing on 19.01.1996.

In the supplementary show cause filed on behalf of opposite party nos. 5 and 6, pursuant to the order dated 03.07.1995 of this Court, stand has been taken that the persons whose names were pointed out by the petitioner have been appointed on class IV posts, in fact, in the meetings of District Appointment-Cum-Establishment Committee dated 16.08.1991 and 20.09.1991 and the subsequent meeting dated 05.12.1991 re-allotted the Department amongst the selected persons and accordingly, Annexure-11 series filed by the petitioner have been issued.

With regard to one Class-III employee, Gokhul Kumar Das, as pointed out by the petitioner, it is stated that he has never been appointed on class-III post in the regular Establishment, rather he was engaged on daily wage during the election period and strike of Non-Gazetted employees of the State since he was knowing stenography and typing work, whereas the petitioner has

no such skill.

It is categorically asserted that no appointments have been made by the Collector, Araria, after the order dated 09.07.1992 passed by this Court in the writ application.

In the supplementary affidavit filed by the petitioner thereafter it does not appear that the petitioner has succeeded in bringing anything on record which contradicts the stand of the opposite parties in their supplementary show cause.

We are thus of the view that no case for proceeding under the contempt jurisdiction of this Court is made out. The contempt application is accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

Jagsish/U.K./-

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