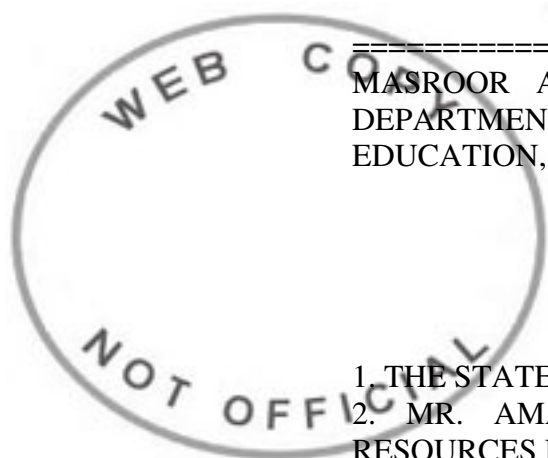




IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5573 of 2012

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MASROOR AHMAD, S/O LATE ISLAMUL HAQUE, HEAD OF THE DEPARTMENT OF SOCIOLOGY, RURAL INSTITUTE HIGHER EDUCATION, BIRAULI, P.S. PUSA, DISTRICT SAMASTIPUR.

.... PETITIONER/S

VERSUS

- 1. THE STATE OF BIHAR.
- 2. MR. AMARJIT SINHA, THE PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVT. OF BIHAR, PATNA.
- 3. SANJEEBAN KR. SINHA, THE SECRETARY, DEPARTMENT OF HUMAN RESOURCES AND DEVELOPMENT (HIGHER EDUCATION), GOVT. OF BIHAR, PATNA. NULL
- 4. MR. BABAN RAM, THE DIRECTOR, HIGHER EDUCATION, GOVT. OF BIHAR, PATNA.
- 5. MR. BIRENDRA PRASAD, SECRETARY, THE RURAL INSTITUTE (BIRAULI) SOCIETY, A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT 1860 HAVING ITS REGISTERED OFFICER AT BIRAULI, P.S. PUSA, DISTRICT SAMASTIPUR THROUGH ITS SECRETARY.
- 6. MR. DR. SITA RAM SINGH, THE DIRECTOR, HIGHER EDUCATION, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, GOVT. OF BIHAR, PATNA.
- 7. MR. BIRENDRA PRASAD, S/O SRI KAPILDEO PRASAD, LECTURER DEPARTMENT OF CHEMISTRY, RURAL INSTITUTE OF HIGHER STUDIES, BIRAULI, P.S. PUSA, DISTRICT SAMASTIPUR.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. BINAY KUMAR
For the O.P. No. 5 : Mr. Shashi Bhushan Singh, Advocte.
For the State : Mr. Sanjay Kumar, A.C. to S.C.10

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date: 17-03-2015

Heard learned counsel for the petitioner and

learned counsel for the opposite parties.

The present contempt application has been filed

for noncompliance of the order dated 19.09.2012 passed in C.W.J.C. No. 14666 of 2012 whereunder the aforesaid writ application was disposed of with observation hereunder as follows:-

“The continuance of respondent no. 7, as a Director Incharge, on strength of the interim order, senior to the petitioner is one aspect of the matter. The responsibility of the respondents to appoint a regular Director In-charge pursuant to the earlier order of the Court is another.

It is difficult to appreciate apparent disobedience to the order in C.W.J.C. No. 13742 of 2009 by the respondent Institute.

The Institute is under an obligation to appoint a regular Director in terms of the order passed in C.W.J.C. No. 13742 of 2009. Orders of the Court are not platitudes, and unless set aside, varied or modified are required to be complied with except upon pain for appropriate proceedings for non compliance”.

Learned counsel for the opposite parties submits that in compliance of the order of the writ Court for appointment of regular Director of Rural Institute of Higher Studies, Birauli, Samastipur, the advertisement has been published in Hindi daily newspaper (Hindustan) and the last date for submission of application form has been fixed on

21.03.2013, which would appear from Annexure A to the supplementary show cause field on behalf of the opposite party nos. 1 to 4. As such, the appointment of regular Director is under process, which will be done after following the procedure.

Since in the light of the direction of the writ Court appointment of regular Director, Rural Institute of Higher Studies is in process, therefore, no further action is required. Accordingly, this contempt application is disposed of. However, If the petitioner feels any further grievance, he may take recourse in accordance with law before the appropriate forum.

(Rajendra Kumar Mishra, J)

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