

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 5557 of 2012

Janardan Singh S/o Late Ram Bharosa Singh R/o Vill.-Nautan, P.O.& P.S.-
Amnaur, Distt-Saran, Presently Residing At C/O Vindeshwar Choudhary
Rtd. Principal , Extension Training Centre Musahri Muzaffarpur, Mohalla
Club Road Indra Nagar(Miscot), P.O. Ramna, P.S.-Mithanpura, Distt-
Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. Rajendra Agriculture University, Pusa , Distt-Samastipur through the
M.L.Agrwal the Registrar
3. R.K.Mittal Vice Chancellor, Rajendra Agriculture University, Pusa Null
Distt-Samastipur (Bihar)
4. Ajay Kr. Sinha, Deputy Secretary to the Government of Bihar
Department of Personnal and Administration Bihar, Patna
5. R.N. Sahay, Director Administration, Rajendra Agriculture University,
Pusa District Samastipur (Bihar)
6. M.Alam Director, Sugar Cane Research, Bihar , Pusa District
Samastipur(Bihar)
7. M.L.Agrwal, Registrar Rajendra Agricultural University, Pusa District
Samastipur(Bihar)
8. Anil Kumar Controller Rajendra Agricultural University, Pusa District
Samastipur(Bihar)

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Jitendra Nath
For the Opp. Party/s : Mr. A.K.Upadhaya
AC to SC-7

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 27-01-2015 Heard learned counsel for the petitioner, Sri Anil
Kumar Upadhaya, learned counsel, who has appeared on behalf of
Rajendra Agricultural University as well as learned A.C. to
Standing Counsel – 7.

The present petition was filed with a prayer to initiate
contempt proceeding against opposite parties on an allegation of



disobedience to an order dated 25-06-2012 passed in C.W.J.C. No. 10507 of 2012, which was passed almost in similar manner as in C.W.J.C. No. 6153 of 2012. The writ court had disposed of the writ petition with an observation to take final decision on the recommendation for promotion of the petitioner made as far back as in the year 2002. The writ court had also noticed that petitioner superannuated on 31-07-2009. It appears that even after recommendation, some orders were passed staying grant of promotion in respect of some of the persons, on the basis of said recommendation, on the plea that roster clearance was not observed.

In this case, show cause and supplementary show causes have been filed on behalf of opposite parties. In show cause filed on behalf of opposite party no. 2 to 8, it has been stated that roster clearance was obtained on 12-05-2014. It has also been argued by Sri Upadhaya, learned counsel for Rajendra Agricultural University that even in C.W.J.C. No. 6153 of 2012, a contempt petition, vide M.J.C. No. 4544 of 2012 was filed. The said contempt petition was finally disposed of on 09-09-2014 by a bench of this Court.

On perusal of order dated 09-09-2014 passed in M.J.C. No. 4544 of 2012, it appears that this Court had not

preferred to proceed, in view of the case of the petitioner no. 6 of the said contempt petition and petitioner no. 1 of the said petition. The petitioner no. 6 had already died before the roster clearance and petitioner no. 1 of the said petition had superannuated prior to roster clearance. Since no positive order was passed in M.J.C. No. 4544 of 2012, which is similar to the present petition, the Court is of the opinion that no positive order can be passed in this case also. In the light of order dated 09-09-2014 passed in M.J.C. No. 4544 of 2012, an observation can be recorded that if the petitioner of this case, so advised, may raise his grievance in an independent proceeding in accordance with law.

The petition stands disposed of.

(Rakesh Kumar, J.)

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