

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.978 of 2013

IN

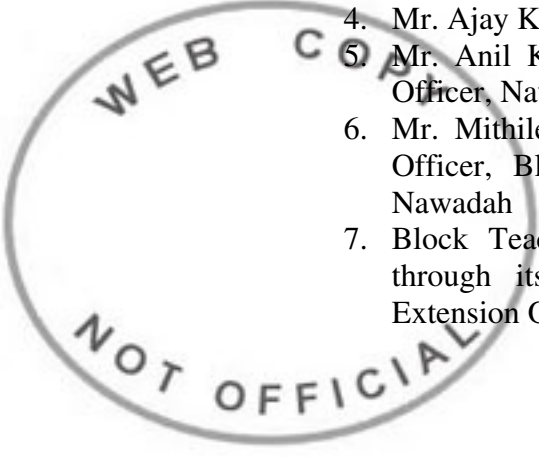
Civil Writ Jurisdiction Case No. 16877 of 2011

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1. Vivek Kumar, son of Sheo Kumar Prasad Yadav, resident of Village Nima, P.O. Rasalpura, P.S. Sitawarhi, District Nawadah
 2. Renuka Kumari, daughter of Bisundeo Rajbansi, resident of Village Marui Tola Shabda, P.S. Roh, Sistrict Nawadah.
 3. Anju Kumari, Daughter of Anandi Prasad Singh, resident of Village Jawar Nagar, PO/PS/District Nawadah
 4. Ranjit Rajbansi, son of Bahudur Rabansi, resident of Miya Bigha, P.O.Kahuara, PS Nardiganj, District Nawadah.
 5. Birendra Kumar, son of Rameshwar Chouhan, resident of Village Chandwara, PO/PS Meskaur, District Nawadah.
 6. Fahmida Parvin, daughter of Reyasat Khan, resident of Village Darawchak, PO Tarwan, PS. Fatehpura, District Nawadah.
 7. Nitya Kumari, daughter of Suresh Singh, resident of Village/PO Kothar, District Gaya
 8. Bibha Kumari, daughter of Hari Singh, resident of Village/PO Merhkuri, PS. Meskaur, District Nawadah
 9. Deo Nandan Prasad Sinha, son of Rameshwar Prasad, resident of Village Murheta Chak PO Rasalpura, P.S. Sitamarhi, District Nawadah
 10. Rajesh Kumar, son of Musafir Prasad, resident of Village Bajitpur, PO/PS Narhat, District Nawadah
 11. Bibha Kumari, daughter of Ramji Sharma, resident of Village Chhotki Delha, PO Delha, District Gaya
 12. Anita Kumari, daughter of Natho Prasad Gupta, resident of Village Tungi, PS Hisua, District Nawadah.
 13. Naushad Alam, son of Lal Mohamad, resident of Village Baniya Bigha, PO Tetaria, PS. Govindpur, District Nawadah
 14. Sangita Kumari, daughter of Jai Nandan Prasad Singh, resident of Village Sinduari, PO Jamuara, PS Narhat, District Nawadah
 15. Hafiz Sahbuddin, son of Md. Yusuf, resident of Village Bhadauni, PO/PS/District Nawadah
 16. Shamsad Alam, son of Maulvi Lal Mohammad, resident of Village Baniya Bigha, PO Tetaria, PS Govindpur, District Nawadah
 17. Pravin Kumar Choudhary, son of Chando Choudhary, resident of Village Chotki Nawadah, PO R.S. Gaya, PS/District Gaya
 18. Indira Kumari, daughter of Bhैया Pravin Kumar, resident of Village Nadsena, PO Sarai, P.S. Sitamarhi, District Nawadah
 19. Taukir Alam, son of late Abdul Majeed, resident of Village Satua, PO Tetaria, PS Meskaur, District Nawadah
 20. Sundar Kumar, son of Raj Kumar Sharma, resident of Khajahanpur, PS Buniyadganj, District Gaya
 21. Rina Kumari, wife of Ramesh Choudhary, resident of Village Meyari, PO Tarwan, PS Fatehpur, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Amarjit Sinha, the Principal Secretary, Education Department, Government of Bihar, Patna.

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2. Mr. Amarjeet Sinha, the Principal Secretary, Education, Government of Bihar, Patna
 3. Mr. Ashwini D.S. Thakre, the District Magistrate, Nawadah
 4. Mr. Ajay Kumar Choudhary, the Director, Primary Education, Bihar, Patna
 5. Mr. Anil Kumar Singh, the D.S.E., now known as the District Programme Officer, Nawadah
 6. Mr. Mithilesh Prasad Sinha, the Block Development Officer-cum-Executive Officer, Block Teachers Selection Unit, Meskaur, P.S. Meskaur, District Nawadah
 7. Block Teachers Selection Unit, Meskaur, PS Meskaur, District Nawadah through its Secretary, namely, Mr. Ranjit Rana-cum- Block Education Extension Officer, Meskaur, PS. Meskaur, District Nawadah

.... Respondent/s

with

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Miscellaneous Jurisdiction Case No. 5447 of 2013

IN

Civil Writ Jurisdiction Case No. 3217 of 2011

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1. Anchala Kumari D/O Kapildeo Singh Resident Of Village Sinduari, P.O. Chota Jamuara, P.S. Narhat, District Nawada.
2. Mani Rekha D/O Nabal Kishore Sharma Resident Of Village Sinduari, P.O. Chota Jamuara, P.S. Narhat, District Nawada.

.... Petitioner/s

Versus

1. The State Of Bihar through Mr. Amarjit Sinha, The Principal Secretary, Education Department, Govt. Of Bihar, Patna.
2. Mr. Ashwini D.S. Thakre, The District Magistrate, Nawadah.
3. Mr. Anil Kumar Singh, The D.S.E., Now Known As The District Programme Officer, Nawadah.
4. Mr. Mithilesh Prasad Singh, The Block Development Officer-Cum-Executive Officer, Block Teachers Selection Unit, Meskaur, Police Station Meskaur, District Nawadah.
5. Mr. Ranjit Rana, The Block Education Extension Officer, Meskaur-Cum-Secretary, Block Teachers Selection Unit, Meskaur, Police Station Meskaur, District Nawadah.

.... Respondent/s

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Appearance :

(In MJC No. 978 of 2013)

For the Petitioner/s : Mr. SIDHENDRA NARAYAN SINGH

For the Respondent/s : Mr. Purnendu Singh, G.P.27,
Mrs. Sunia Kumari, AC to GP27

(In MJC No. 5447 of 2013)

For the Petitioner/s : Mr. SIDHENDRA NARAYAN SINGH

For the Respondent/s : Mr. ASHOK KUMAR KESHRI, AAG XI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date: 25-08-2015

Heard learned counsel for the petitioners and learned counsel for the State.

Both applications have been filed for initiation of contempt proceeding for violation of the orders dated 11.10.2012 and 13.12.2012 passed in C.W.J.C. Nos. 16877 of 2011 and analogous cases and C.W.J.C. NO. 3217 of 2011 respectively which were disposed of in terms of the order passed by this Court vide order dated 13.9.2012 passed in C.W.J.C. No.11013 of 2011.

This Court has given the following direction:

“In fairness to the respondents, the Court must take note of the last objection with regard to delay. The consent of the petitioners was taken on 28.12.2010. They have filed the writ application on 5.7.2011 well within the period of one year. Having invoked the writ jurisdiction within the life of the panel, the petitioners are fully protected by the observations of the Supreme Court in (2000)3 SCC 699 (State of U.P. v. Ram Swarup Saroj) holding:

“10..... Secondly, we find that the select list was finalized in the month of November 1996 and the writ petition was filed by the respondent in the month of October, 1997, i.e., before the expiry of one year from the date of the list. Merely because a period of one year has elapsed during the pendency of litigation, we cannot decline to grant the relief to which the respondent has been found entitled by the High Court....”

Mandamus is issued directing the respondent to simultaneously verify the certificates of the petitioners and provide appointment, all within a maximum period of two months from the date of receipt/production of a copy of this order.

The submission on behalf of the respondents that the vacancies have been clubbed with subsequent selection process is held to be unsustainable in view of the aforesaid discussion.”

Petitioners have opted two forum for Redressal of their relief. One by filing the contempt application and another by making a complaint before the District Teachers Appointment Appellate tribunal, Nawadah in Appeal nos. 11 of 2014 and 12 of 2014. There the appellate Tribunal has taken note the order passed in C.W.J.C. No. 16877 of 2011 and after conducting enquiry, has found that institute from where the petitioners have obtained certificate has not been recognized by the State of Bihar.

This Court cannot coerce the state of Bihar to go against the order passed by the quasi judicial authority. So long the order is standing no contempt proceeding is made out.

Accordingly both the applications are dismissed.

(Shivaji Pandey, J)

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