

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.8 of 2014

In

Civil Writ Jurisdiction Case No. 14629 of 2012

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Shashi Bhusan Prasad S/O Rameshwar Mahto Resident Of Village
Jahangirpur, P.O. Deloo, P.S. Sekhopursarai, District Shekhpura.

.... Petitioner

Versus

1. The State Of Bihar.
2. Mr. Pranab Kumar, The District Magistrate, Sheikhpura, Sheikhpura.
3. Mr. Subodh Kumar, The S.D.M., Sheikhpura, Sheikhpura.
4. Mr. Anita Kumari, The B.D.O., Sheikhopursarai, Sheikhpura.

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Respondent/s : Mr. Sunil Kr. Mandal

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 22-05-2015 Heard learned counsel for the parties.

Having regard to the nature of order passed by this Court on 28.1.2013 in C.W.J.C.No. 14629/2012 this Court would not find any deliberate violation on the part of the District Magistrate, Sheikhpura, inasmuch as it now becomes very clear firstly from the report of the Block Development Officer, Sheikhpura dated 18.3.2013 that there is no proof of working of the petitioner from the month of January, 2009. As a matter of fact the petitioner was also sought to be given at least three notices on 25.3.2013, 17.1.2015 and 3.3.2015 to appear before the District Magistrate and explain with regard to his claim of payment of salary but as per show cause reply filed by the District Magistrate the petitioner

did not choose to appear before him.

In that view of the matter, it cannot be held that there was/is any deliberate attempt on the part of the District Magistrate in causing wilful disobedience of the order and direction given by this Court. Specially when in the order passed in the connected writ application this Court had also never quantified the amount and had merely directed for making payment of admitted amount of salary. If however there is no proof of working of the petitioner in the concerned period, there could be no question of payment of his salary.

That being so, this application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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