

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2274 of 2014

In

Civil Writ Jurisdiction Case No. 16302 of 2013

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Uma Shankar Sah, son of Sri Birendra Sah, resident of village Sarju Rai Ka Tola, P.O. Khawaspur, P.S. Barhara, District Bhojpur at Arrah

.... Petitioner

Versus

1. The State of Bihar
2. Mr. Amarjit Sinha, the Principal Secretary, Human Resources Development Department, Government, Patna
3. Mr. Raghubansh Rai, the District Education Officer, District Bhojpur at Arrah
4. Mr. M. Sarwaran, the District Magistrate, Bhojpur (Arrah)
5. Smt. Sona Devi, the Mukhiya of Gram Panchayat Khawaspur, Block Barhara, District Arrah
6. Mr. Bindeshwari Singh, the Panchayat Secretary, Gram Panchayat Khawaspur, Block Barhara, District Bhojpur (Arrah)
7. Mr. Nirmal Kumar Singh, the B.D.O. Barhara, Bhojpur (Arrah)
8. Mr. Magister Singh, the B.E.O. Barhara, Bhojpur (Arrah)
9. Satrugan Kumar, son of Sri Brijnandan Prasad, resident of village Sunderpur, Kuria, P.O. Belghat, Bahua, P.S. Barhara, Bhojpur (Arrah)

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy

For the Respondent/s : Mr. Sandeep Kumar

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 06-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the opposite parties have complied the order by way of examining the appointment of Satrugan Kumar (respondent no.9 to the writ petition) and have also terminated his appointment after finding it to be based on forged document submitted by him, the rest of the grievance of the petitioner that the decision to appoint him in place of Satrugan Kumar has not been given effect to by the opposite parties being

not part of the direction of this Court cannot be made subject matter of contempt application.

It is true that the petitioner has been appointed in place of Satrugan Kumar and once a report to this extent was also submitted by Sona Devi, the Mukhiya as also Panchayat Secretary they were under obligation to ensure that the joining of the petitioner was also accepted.

In that view of the matter, this Court would direct the Mukhiya and the Panchayat Secretary to ensure that if after cancellation of appointment of Satrugan Kumar the petitioner's appointment as made by them has still remained intact and valid, they must ensure that the petitioner is allowed to join the post as also work on the post so that he can get his remuneration at least from the date of joining. This exercise must be completed by both Mukhiya and Panchayat Secretary as early as possible and if there be any impediment in doing so they also must pass an order which may enable the petitioner to take future course of action as may be permissible to him in law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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