

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1880 of 2007

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Brajesh Kumar son of Sri Dharampal Singh, R/o village Arhit Dautapur P.S.
Ghoshi District Jehanabad.

.... Petitioner/s

Versus

1. State of Bihar.
2. Magadh University, Bodh Gaya, through the Registrar, Sri Dinesh Kumar Yadav.
3. Sri Birendra Narayan Pandey, VC, Magadh University, Bodh Gaya, District Gaya.
4. Sri Dinesh Kumar Yadav, Registrar, Magadh University, Bodh Gaya, District Gaya.
5. Sri Subhash Singh, Principal, A.N.S.College, Barh, P.S.Barh District Patna.
6. Sri Amajeet Singh, Principal Secretary, Education Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.K.Thakur, Adv.
For the University : Mr. Pranav Kumar, Adv.
For the State : Mr.Madhukar Krishna Sinha, SC-1.
For the Principal Secretary : Mr. Tej Bahadur Singh, Sr. Adv.
Mrs. Shashi Priya Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

34 03-02-2015

This matter relates to initiation of contempt proceeding making an allegation of deliberate violation of order dated 3rd July 2003 passed in CWJC No.6178 of 1999. The aforesaid order is based upon the order passed in CWJC No.236 of 1997. In that case the Court has directed for giving a proper notice and to decide the matter.

It appears from the record that Radhey Shyam Singh and others filed CWJC No. 236 of 1997 and after disposal of the writ petition they were accommodated.

Grievance has been raised by the petitioner that he has been left out illegally. Submission has been made, the respondents have deliberately flouted the order of this Court and, as such a contempt proceeding be initiated against them.

The University has filed 1st show cause disputed the claim of petitioner stating that the petitioner is not entitled to any relief as given to Radhey Shyam Singh and others. When this Court has rejected the show cause filed by the University, a 2nd show cause has been filed in which the University has accepted that the appointment of the petitioner was in accordance with law so much so that the University has sent a letter to the Government for granting sanction of one additional post whereupon the Principal Secretary, Respondent no.6 was made a party to the present petition. He has filed a show cause in which plea has been taken the appointment of the petitioner itself is bad, beyond sanctioned strength and as such, he cannot be accommodated in the college in question, in view of letter of the Principal where it has been mentioned that the petitioner has not worked in the College for long period.

In this situation, it is very difficult to proceed in the matter any further. It will be in ends of justice that the petitioner should file a detailed representation along with all supporting

documents before the Registrar of the University who will be obliged to give a personal hearing to the petitioner, where either he himself or through his lawyer will to be allowed to be represented and pass a reasoned order in accordance with law within a period of three months from the date of filing of representation along with copy of this order. If the order is passed in favour of petitioner, in that case the University as well as the State will act in accordance with law.

With the above observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)