

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4528 of 2014

In
Civil Writ Jurisdiction Case No. 7543 of 1999

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1. Mausami D.d.t. Chlirkaon Karamchari Sangh Through Santosh Kumar Son of Ramashrey Sinha, resident of village -Ghangh Sirishi, P.S. - Bakhtiyarpur, District- Patna the President oo Mausami D.D.T. Chirkaon Chirkaon Karamchari Sang, District- patna.
 2. Dilip Kumar Son of Late Mahendra Paswan resident of Vilage - Maksudpur, Post + P.S. - Fathuha District- Patna.
 3. Mahesh Tiwary, Son of Shashi Kant Tiwary, resident of Village - Dariyapur, Post - Nandlalbad, P.S. - Gaurichak, District - Patna
 4. Rajeshwar Prasad son of Late Bishuni Singh, resident of Village - Bhagwanpur, Post- Mukunpur, P.S. - Fatuha, District- Patna.
 5. Shambhu kumar, Son of Sikandar Sao, resident of Village + post- Mhajpura, P.S.- Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Sri M.P. Sharma, the Chief Maleria Officer, Bihar, Patna.
3. Sri K.K. Mishra, The civil Surgeon-cum-Chief Medical Officer, Patna.
4. Sri Abhay Kumar kumar Singh, The District Magistrate, Patna.
5. Sri Shambhu sharan singh, The District Maleria Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.
For the Respondent/s : Mr. Kinkar Kumar, SC-27.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 22-07-2016

Reply to show cause has been filed.

Heard learned counsel for the petitioners as well as Standing Counsel-27.

Learned SC-27 has submitted that panel has been prepared in its finality relating to Patna District and further been uploaded on the website.

It has further been submitted on behalf of learned SC-27 that instant petition has been filed though after consuming ten years of the order impugned without any explanation however, as the State was keen to protect the interest of the petitioners, on account thereof, in show cause at para-10

had incorporated the facts having been taken at the end of the contemptors which ultimately resulted in finalization of panel which now been duly published. As such the order impugned has fully been complied.

The learned counsel for the petitioner has submitted that the order impugned is not confined to the Patna district and so, exercise which the contemptner has adopted should have for the whole state. The panel relating to Patna has been prepared while relating to other district, the contemptner has kept mum. It has further been submitted that appointment is to be in terms of rule prevailing in the year 2004 and not of the year 2010 as has been incorporated in show cause by the contemptner. So submitted that contemptner be directed to comply the order relating to other districts.

From perusal of the petition is evident that the conduct of petitioner is not fair. In para-8 and 9 he has confined his prayer relating to Patna district. Although, learned counsel for the petitioner drew attention towards para-5 and 6 of the petition but that is not going to help any way. Petitioners who happens to be union, the reason best known to its office bearer at adopted such kind of activities. That being so and further having the panel of the Patna district duly published loaded on the website, instant petition found worthless, whereupon is rejected.

However, petitioners will be at liberty to take legal recourse if the circumstances no necessitates.

(Aditya Kumar Trivedi, J.)

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