

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.795 of 1999

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SANJEEV KUMAR SRIVASTAVA SON OF SRI RAJNANDAN PRASAD, RESIDENT OF MOHALLA-KANAULI, GAUSHALA ROAD, P.S.-MITHANPURA, DISTRICT-MUZAFFARPUR.

.... PETITIONER/S

VERSUS

1. SRI S.HAQUE SON OF NAME NOT KNOWN TO THE PETITIONER, DEPUTY DIRECTOR, NAVODAYA VIDYALAYA SAMITTEE, REGIONAL OFFICE, PATNA REGION BORING ROAD, PATNA-13.

2. UNION OF INDIA.

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Tara Nath Jha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 01-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Solicitor General. Furthermore, there happens to be physical presence of Assistant Commissioner, Navodaya Vidyalaya Samiti, Patna Region.

The operative portion of the order impugned speaks like *“However, as there is no fault on the part of the petitioner I am disposing of this application with an observation that if in future an advertisement is made and the petitioner applies then his case should not be rejected on the ground that he has crossed the age bar. In case there is any vacancy the respondents should take steps to fill up the same”*.

Counter affidavit /show cause having on record since before speaks with regard to activity having taken up at the end of the opposite party in pursuance of observation so made under the order impugned. From perusal of para-5, it is evident that same relates with the matter under lis whereupon

CWJC was filed and further, a ray of hope was assured at the end of the court by observing that the case of the petitioner is to be taken up in case so applied relating to future advertisement ignoring the age bar. From para-7 thereof, it is evident that the opposite parties have asserted that for the present there is no vacancy and on account thereof, court cannot compel, much less while proceeding with the contempt to create a vacancy and appoint the petitioner. That being so, instant petition has become infructuous and is accordingly dropped.

Physical presence of Assistant Commissioner, Navodaya Vidyalaya Samiti, Patna Region is hereby dispensed with.

(Aditya Kumar Trivedi, J)

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