

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 11 of 2016

In

Civil Writ Jurisdiction Case No. 19117 of 2010

- =====
1. Ajay Kumar Singh, S/o - Late Dwarika Prasad Singh, R/o Village - Mzlishpur, P.S. - Alipur, District - Vaishali
 2. Shyam Kumar Singh, S/o - Late Maheshwar Singh, R/o Village - Singhara, P.S. - Mahua, District - Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. Shree Kumar B.N. Singh, the Director, Primary and Secondary Education, Government of Bihar, Patna
3. Shree Pranav Kumar, the District Magistrate, Samastipur
4. Shree D.K. Ojha, the District Education Officer, Samastipur
5. Shree Rajeshwar Ram, the Block Education Officer, Block - Patori, District - Samastipur
6. Shree Naresh Kumar Singh, the Block Education Extension Officer, Patori, Samastipur

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Binit Kumar, Advocate

For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

5 17-08-2016

Heard counsel for the petitioners as well as the State.

The second supplementary show cause on behalf of the opposite party no. 5 has been filed.

The application alleges wilful disregard of the order dated 09.01.2015 passed in C.W.J.C. No. 19117 of 2010. The Court disposed of the writ application directing the Block Development Officer, Patori Block, Samastipur to consider the application/representation of the petitioners and take appropriate decision thereon. In the light of the decision the opposite parties were also required to take steps for payment of the dues of the petitioners.



Along with the first show cause copy of the order dated 25.07.2016 passed in Case No. 01 of 2015 (Annexure-A/5) is enclosed wherefrom it appears that on going through the materials placed before him it was found that the petitioners were entitled to continue in service and get the remuneration. The District Education Officer, Samastipur was requested to ensure payment of the lawful dues of the petitioners. Along with the second show cause another order dated 06.08.2016 passed by the Block Development Officer, Sahpur, Patori is enclosed as Annexure-B/5, wherefrom it appears that the appointment of the petitioners has been doubted as the educational certificate produced by them was not found acceptable. The petitioners were directed to appear before the Block Education Officer, Patori and produce all the educational certificates. It is submitted that in the enquiry so directed by the Block Development Officer, Patori the petitioners have appeared and furnished all relevant documents and the said matter is still pending.

Along with the second supplementary show cause, the opposite party no. 5 has enclosed the communication dated 11.08.2016 (Annexure-E/5) requesting the District Programme Officer (Est.), Samastipur to ensure payment of lawful dues of the petitioners in the light of the order passed by him. There is no dispute that the payment/remuneration of the petitioners is to be made under the orders of the District Programme Officer.

On perusal of the aforesaid facts emanating from the

record, in my view, the opposite party no. 5 has substantially complied with the order passed by this Court, inasmuch as, diverse requests have been made by them to the competent authority to disburse the remuneration in favour of the petitioners. It, however, appears that the appointment/engagement of the petitioners on the post is also now under question, inasmuch as, an inquiry has been set up to examine the relevant documents including educational certificates furnished by the petitioners to obtain the engagement/appointment.

In these factual backgrounds, I am satisfied that the opposite party has complied with the order and the matter does not require further persuasion. The contempt application is, accordingly, dismissed.

Needless to observe depending on the result of the pending inquiry, the opposite parties will take steps to provide due payments to the petitioners.

(Kishore Kumar Mandal, J.)

Kundan

U			
---	--	--	--