

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1825 of 2015

In

Civil Writ Jurisdiction Case No. 9447 of 2015

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1. Sanjay Kumar Sharma, Son of Sri Surendar Prasad Sharma, resident of Professor Colony, Jehanabad, Police Station Jehanabad in the district of Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Jehanabad.
4. The Nagar Parishad, Jehanabad through its Executive Officer.
5. The Chairman, Nagar Parishad, Jehanabad.
6. The Executive Officer, Nagar Parishad, Jehanabad.
7. Mr. Kuber Chandra Singh, Son of Late Rajeshwar Singh resident of village - Sondhila, P.S. Buxar (M) in the District of Buxar, the then Executive Officer, Nagar Parishad, Jehanabad, presently posted as O.S.D. Panchayati Raj Department, Government of Bihar, Patna.
8. Md. Abid Hussain Ansari, Son of Late Arif Hussain resident of Raja Bazar, Jehanabad, Police Station - Jehanabad, in the district of Jehanabad.
9. Satya Vijay, Son of Sri Hari Singh resident of Raja Bazar, Jehanabad, P.S. + District - Jehanabad.
10. Randhir Kumar Verma, Son of Late Satya Narayan Prasad Verma resident of Main Road (in front of Bishwanath Market), Jehanabad, P.S. + District - Jehanabad.
11. Surender Kumar, Son of Sri Tarkeshwar Pandit resident of Mohalla - Shyamnagar, Jehanabad, P.S. + District - Jehanabad.
12. Ajay Kumar Son of Sri Arjun Prasad resident of Mohalla - Shastrinagar, Jehanabad, P.S. + District Jehanabad.
13. Vijay Kumar, Son of Sri Arjun Prasad resident of Mohalla - Shastrinagar, Jehanabad, P.S. + District Jehanabad.
14. Md. Zafar Ikbal, Son of Bashimul Haque resident of Mohalla Makhdumabad, Jehanabad, P.S. + District - Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prakash Verma-Advocate
For the State : Mr. SC-14 Dr. Anshuman-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 18-01-2016

Heard learned counsel for the petitioner.



Petitioner, Executive Officer, Nagar Parishad, Jehanabad has filed this review petition on the ground that the direction, so given, by the Court at an earlier occasion vide order dated 06.04.2015 under C.W.J.C. No.9447 of 2014 “If that be so, then the competent authority will be under liberty to initiate the proceeding for recovery which was paid under the orders of the present Executive Officer” should be re-adorned on the ground so enumerated.

In order to justify the review petition, it has been submitted that the appointment was made by the committee and the payment was made in pursuance thereof. Therefore, the aforesaid direction given at an earlier occasion by this Court needs reconsideration and further, be held inanimate.

It has also been submitted that aforesaid issue was not under challenge and on account thereof, while passing the order, the matter has been dealt with in an ancillary way which would not have taken place.

From Paragraph-1 (II) of the main petition of C.W.J.C. No.9447 of 2014, it is apparent that a writ of mandamus directing the respondents specially Respondent No.6, the Executive Officer, Nagar Parishad, Jehanabad not to make payment of monthly remuneration to the Respondent Nos.8 to 14,

who have been illegally appointed to the Post of Tehsildar by the then Executive Officer, Nagar Parishad, Jehanabad (Respondent No.7) by adopting malpractice method, was sought for and on account thereof, the aforesaid direction given by this Court could not be said to be an ancillary one. Furthermore, appointment of concerned respondents at the end of concerned officials collusively, malafidely and against the constitutional mandate has been perceived during course of appreciation vide judgment dated 06.04.2015 and in the aforesaid background, such direction was given which, if allowed, will not only frustrate the settled norms rather it will embolden as well as promote the illegal activity of the respondents.

Accordingly, instant petition is rejected.

(Aditya Kumar Trivedi, J)

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