

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4506 of 2014

In

Civil Writ Jurisdiction Case No. 7113 of 2013

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Shudhansu Dubey @ Shudhansu Kumar Dubey, Son of Sri Ganpar Dubey
@ Ganpat Dubey, R/o village- Sohjana, P.S. Jamui, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department Govt. of Bihar, At present Mr. Beyas Jee.
2. The Under Secretary, Revenue and Land Reforms Department Govt. of Bihar At present Mr. Deep Lal Deepak
3. The Divisional Commissioner, Munger, Division, Munger At present Mr. Atul Prasad
4. The District Magistrate-cum-Collector, Jamui at Jamui At present Mr. Shashi Kant Tiwary
5. The Deputy Development Commissioner, Jamui at Jamui At present Mr. Mritunjay Kumar
6. The Deputy collector, Nazarat, Jamui, At present Ravi Rakesh.

.... Respondent/s

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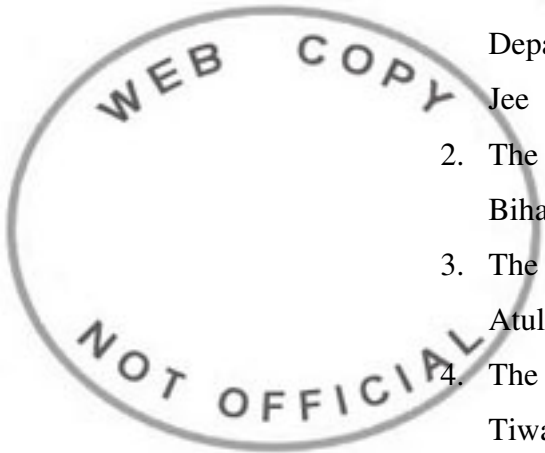
with

Miscellaneous Jurisdiction Case No.4052 of 2014

IN

Civil Writ Jurisdiction Case No. 7113 of 2013

- =====
1. Ravi Ranjan Mishra Son of Sri Sachidanand Mishra R/o Village Sikharia, P.S. Jamui, District Jamui
 2. Raj Kumar Tanti Son of Yaddu Tanti R/o Village Kalyanpur, P.S. Jamui, District Jamui
 3. Manoj Kumar Dubey Son of Late Onkar Saran Dubey R/o Village Sikharia, P.S. Jamui, District Jamui
 4. Bindu Kumar Dubey @ Bindu Kumar Dwivedi Son of Late Shiv Ranjan Dubey R/o Village Sikharia, P.S. Jamui, District Jamui
 5. Pramod Kumar Upadhyay Son of Dayanand Upadhyay R/o Village Malaypur, P.S. Malaypur, District Jamui



.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Govt of Bihar, New Secretariat, Patna at present Sri Beyas Jee
2. The Under Secretary, Revenue and Land Reforms Department, Govt of Bihar at present Mr. Deep Lal Deepak
3. The Divisional Commissioner, Munger Division, Munger at present Mr Atul Prasad
4. The District Magistrate cum Collector, Jamui at present Mr. Shashi Kant Tiwary
5. The Deputy Development Commissioner, Jamui at Present Mr. Mritunjay Kumar
6. The Deputy Collector, Nazarat, Jamui at present Ravi Prakash

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.1210 of 2015
IN
Civil Writ Jurisdiction Case No. 7113 of 2013

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Mukesh Kumar Pandey son of late Ramchandra Pandey, resident of village Sikharia, P.S & Dist. Jamui,

.... Petitioner/s

Versus

1. The State of Bihar, through Sri Kant Tiwary, District Magistrate, jamui
2. Sri Navin Kumar Singh under Secretary, Revenue & Land Reforms Dept. Govt. of Bihar, Patna
3. Mr. Sunil Kumar Singh, Divisional Commissioner, Munger,
4. Mr. Sashikant Tiwary, District Magistrate, Jamui
5. Sri Mritunjay Kumar, Deputy Development Commissioner, Jamui,
6. Sri Rajeev Ranjan, Deputy Collector, Nazarat, Jamui,

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.1231 of 2015
IN
Civil Writ Jurisdiction Case No. 7113 of 2013

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1. Girish Manjhi. Son of Girdhari Manjhi. Resident of village - Lathane, P.S. & Dist.- Jamui.
 2. Sri Kant Dubey. Son of Late Vishwanath Dubey. Resident of Village - Sikhariya, P.S. & Dist.- Jamui.
 3. Sanjay Kumar Singh. Son of Ram Narain Singh. Resident of Village - Bihari, P.S. & Dist.- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar, through Sri Shashi Kant Tiwary, District Magistrate, Jamui.
2. Sri Naveen Kumar Singh, Under Secretary, Revenue & Land Reforms Dept. Govt. of Bihar, Patna.
3. Mr. Sunil Kumar Singh, Divisional Commissioner, Munger.
4. Mr. Shashi Kant Tiwary, District Magistrate, Jamui.
5. Sri Mritunjay Kumar, Deputy Development Commissioner, Jamui.
6. Sri Rajeev Ranjan, Deputy Collector, Nazarat, Jamui.

.... Respondent/s

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Appearance :

(In MJC No.4506 of 2014)

For the Petitioner/s : Mr. Dharmendra Kumar

For the Respondent/s : Mr. Ajay

(In MJC No.4052 of 2014)

For the Petitioner/s : Mr. Dharmendra Kumar

For the Respondent/s : Mr. Ajay

(In MJC No.1210 of 2015)

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Respondent/s : Mr. Ga12 Ajay

(In MJC No.1231 of 2015)

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Respondent/s : Mr. Ga12 Ajay

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

6 06-04-2016

Heard the learned counsel for the petitioners in all the

four petitions filed for initiating a proceeding for contempt against

the State-respondents. The learned counsel for the State-

respondents has also been heard.

All the four petitions have been filed complaining willful disobedience and deliberate disrespect of the order dated 15.09.2014 passed by this Court in C.W.J.C. No. 7113 of 2013. The show cause has been filed on behalf of the State-respondents.

From the perusal of the above order dated 15.09.2014, it transpires that the writ application was disposed of in the following terms:-

“.....In view of the stand of the learned counsel for the parties, this writ application is disposed of in similar terms as has been done in C.W.J.C. No. 22160 of 2012, disposed of on 19.12.2012 (Annexure-17) and the State-respondents are directed to give similar treatment to the petitioners, in view of the stand of the petitioners that their cases are identical, in accordance with law.....”

It also further transpires from paragraph-4 of the said order that a definite stand on behalf of the petitioners had been taken that the process of appointment including the preparation of panel was not complete as yet and the same was specifically taken into notice by the Court. It is in fact in the backdrop of the said fact that the prayer on behalf of the petitioners made for inclusion of their names in the fresh panel to be prepared allowing parity

with the petitioners of another writ application i.e. C.W.J.C. No. 15196 of 2004 as well as C.W.J.C. No. 22160 of 2012 disposed of on 19.12.2012 was granted directing the State-respondents to give similar treatment to the petitioners on the basis that their cases were identical.

However, in the show cause filed on behalf of the State-respondents, the fact has been categorically stated that the provisional panel was prepared on 05.01.2013 and the final panel was prepared on 30.04.2013 after the disposal of the objections which were invited after the publication of the provisional panel. The submission on behalf of the State-respondents on this basis is that the order dated 15.09.2014 by this Court was demonstrably passed in view of the submission on behalf of the petitioners that the process of the appointment was not complete and the panel was still not prepared but the said fact was otherwise. As such, when compliance of the direction in the writ application to give similar treatment to the petitioners as had been done in C.W.J.C. No. 22160 of 2012 which was disposed of on 19.12.2012 was not legally possible, the State-respondents cannot be held liable for committing deliberate disobedience of this Court.

The learned counsel for the petitioners has submitted that the fact of preparation of final panel on 30.04.2013, though is



not in dispute, but the respondents are still making appointments in view of the different order/directions passed by the court. It has been submitted that the contention on 15.09.2014 made before this Court in C.W.J.C. No. 7113 of 2013 that the process of appointment was continuing had been made on the basis of the position as existed on the date of filing of the writ application and therefore that contention was not deliberate or misleading.

As the fact has not been disputed that the order dated 15.09.2014 was passed on the basis of the fact, as submitted on behalf of the petitioners that the final panel was not prepared and the process of appointment was on going, which was factually incorrect, this Court finds that the State-respondents did not commit deliberate violation of the direction of the order as alleged. It is manifest that if the fact regarding preparation of final panel would have been brought to the notice of the court there might have been a possibility of passing a different order as different considerations than would have arisen.

Considering all these facts and circumstances, this Court does not find that any case has been made out for initiating the proceeding for contempt against the State-respondents.

All the four contempt petitions are dismissed with liberty to the petitioners to pursue the remedy available to them in

accordance with law for redressal of their grievance and if the
petitioners take such recourse, this order shall not prejudice their
case.

Devendra/-

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(V. Nath, J)

