

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3449 of 2016

In

Civil Writ Jurisdiction Case No. 17552 of 2015

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Asha Kumari, Wife of Sri Dinesh Prasad, Resident of village - Yarpur, P.S.-
Hilsa, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar through Mr. R. K. Mahazan, the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Dr. Tyag Ranjan, the District Magistrate-cum-District Officer, Nalanda at Biharsharif.
3. Mr. Yogesh Chandra Singh, the District Education Officer, Nalanda at Biharhsarif.
4. Mr. Surendra Prasad, the District Programme Officer (Establishment), Nalanda at Biharsharif.
5. Mr. Shrishti Raj Sinha, the Sub-Divisional Officer, Hilsa, District-Nalanda.
6. Dr. Ajay Kumar, the Block Development Officer, Hilsa District-Nalanda.
7. Mr. Vinod Kumar, the Block Education Officer, Hilsa District- Nalanda.
8. Mr. Vijay Kumar Upadhyay, the Nagar Execution Officer, Nagar Parishad, Hilsa, Nalanda.
9. Mr. Ramesh Chandra Chaudhary, the Pramukh, Hilsa Block, District-Nalanda,
10. Smt. Kiran Devi, the Mukhia, Gram Panchayat Raj, Yogipur, Hilsa, District - Nalanda.
11. Mr. Vinod Kumar Sinha, the Panchayat Secretary, Gram Panchayat Yogipur Hilsa, District - Nalanda.
12. Sri Satish Prasad, Son of Sri Shymlal Singh, Resident of Village - Naugarh, P.O. - Asharhi, P.S. - Hilsa, District - Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. Anant Pd. Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

7 28-06-2017

Heard learned counsel for the petitioner and the State.

The instant contempt application has been filed for willful disobedience of order, dated 15.07.2016, passed in C.W.J.C. No. 17552 of 2015.



By the aforesaid order, this Court has set aside the order, dated 03.10.2015, passed by the Block Development Officer-cum-Secretary, Prakhand Shikshak Selection Unit, Hilsa, Nalanda, terminating the service of the petitioner, who was initially appointed as Shiksha Mitra and subsequently confirmed/ absorbed as Panchayat Teacher. However, while setting aside the order, this Court granted liberty to the respondents to proceed afresh in accordance with law.

Learned counsel for the petitioner submits that in disregard to the order of this Court, the opposite parties terminated the petitioner from service without reinstating him and without issuing show-cause notice. The Block Development Officer, Hilsa, Nalanda, as such, was called to explain his conduct, who tendered apology and assured the Court that the order of this Court would be duly complied with. Subsequently, the petitioner was reinstated in service, show-cause notice was issued to him and after considering the show-cause reply, the service of the petitioner was again terminated.

Counsel for the petitioner further submits that once a “Shiksha Mitra” is absorbed as “Panchayat Teacher” in view of Bihar Elementary Teacher (Employment and Service Condition) Rules, 2006, the opposite parties could not terminate the petitioner



from service on the ground that he was illegally appointed as Shiksha Mitra.

This Court, for the present, would only see whether the opposite parties have complied with the order of this Court to pass a fresh order after issuing show-cause notice, which has been done, as such, I find that no contempt is made out against the members of the opposite parties. The petitioner, if aggrieved, may challenge the subsequent order before an appropriate forum.

With the aforesaid liberty, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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