

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1230 of 2014
In
Civil Writ Jurisdiction Case No. 19992 of 2011

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Seema Kumari, wife of Sri Shiv Shankar Singh, daughter of Sri Sita Ram Singh,
resident of Village-Kundwa Chainpur, Police Station-Kundwa Chainpur, District-
East Champaran

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department of Human Resources, Government of Bihar, Patna Amarjeet Sinha, son of not known, presently posted as Secretary, H.R.D.A., Patna.
2. S. Sharwan, son of not known, presently posted as the Director, Primary Education, Department of Human Resources, Govt. of Bihar, Patna.
3. Shridhar C., son of not known, presently posted as the District Magistrate, Motihari, East Champaran.
4. Binodanand Jha, son of not known to the petitioner at present posted as District Education Officer, East Champaran at Motihari.
5. Ram Yogendra Sharma, son of not known to the petitioner at present posted as Block Education Extension Officer, Ghorasahan, District-East Champaran, Motihari.
6. Dilip Kumar Singh, son of not known presently posted as the Member, District Education Appointment Appellate Authority, East Champaran at Motihari
7. Ram Janam Paswan, resident of Village-Basantpur, Post-Barwakhurd, P.S.-Kundwa Chainpur, Mukhiya, Gram Panchayat Raj, Samanpur, Ghorasahan, District-East Champaran, Motihari.
8. Mustafa, son of Azhar Hussain, resident of Village- Khauri Bara Pharid, P.S.-Kundwa Chainpur, at present posted as Panchayat Secretary, Samanpur, Ghorasahan, District-East Champaran, Motihari.
9. Nand Lal Chowdhary, son of not known, presently posted as Block Development Officer, Ghorasahan, District-East Chamaran at Motihari.
10. Pratibha Kumari, wife of Anil Kumar, daughter of Dharmdeo Prasad, resident of Village +Post-Jagdishpur, Briti Taula, P.S.-Jagdishpur, Block-Nautan, District-West Champaran, at present Panchayat Teacher, Rajkiya Primary School, Samanpur, P.O.-Barwa Khurd, Via-Kundwa Chainpur, District- East Champaran

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vijay Anand, Advocate
For O.P. No.1 to 9	:	Mr. Vivek Prasad, G.P.-7
For O.P. No.10	:	Mr. Manoj Kumar, Advocate
		Ms. Meenakshi Singh, Advocate
		Mr. Avinash Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER



5 07-02-2017 Heard learned counsel for the petitioner and the learned counsel for Opposite Party No.10 as well as the learned counsel for the State.

The present application has been filed for initiating contempt proceedings against the contemnor-opposite parties for wilful and deliberate non-compliance of the order dated 13.09.2013 passed in CWJC No.19992 of 2011, whereby direction was issued by this Court, which is quoted hereunder:

“Accordingly, the matter is remitted back to the appellate authority for passing a fresh order in accordance with law after giving an opportunity of hearing to the petitioner as also respondent no.10 as well as the Panchayat Secretary/Mukhia of the concerned Gram Panchayat and on perusal of the records of the selection process. Such exercise be completed expeditiously, preferably within a period of four months on receipt/production of the certified copy of the present order.

The order dated 20th of October, 2011 in Appeal No.764 of 2011, as contained in Annexure 5, stands quashed.

The writ application stands disposed of.”

It appears that after passing of the aforementioned order, the present petitioner Seema Kumari, who was respondent No.10 in the said writ application (CWJC No.19992 of 2011), instead of appearing before the Appellate Authority, chose to prefer an intra-Court appeal challenging the validity of the order of remand. The said Letters Patent Appeal, bearing



L.P.A. No.1680 of 2013, has since been disposed of vide order dated 10.08.2015. By the said order, the Appellate Court has declined to interfere in the appeal and has dismissed the same stating it to be devoid of any merit. The L.P.A. Court further directed the Appellate Authority to decide all issues as expeditiously as possible after hearing the parties.

Learned counsel appearing on behalf of the State submits that till date, the petitioner has not appeared before the Appellate Authority and while on the one hand, she has preferred an appeal, on the other hand, she seeks implementation of the very same order, which is not tenable in law.

Learned counsel appearing on behalf of O.P. No.10 submits that though the petitioner has been running from pillar to post contesting and seeking her reinstatement, the petitioner Seema Kumari has not appeared before the Appellate Authority in deliberate non-compliance of the said order and is evading and trying to delay the process of the Court and no final order has been passed by the Appellate Authority till date. He further submits that the next date in the case is 14.02.2017, which is fixed for the appearance of the petitioner, failing which the Appellate Authority shall proceed to decide the matter *ex parte*.



Having considered the rival submissions of the parties, it appears that the petitioner while seeking compliance of the order is also using dilatory tactics and already delayed the disposal of the case and the *lis* between the parties.

Accordingly, this Court does not deem it necessary to initiate contempt proceeding. The contempt application is, accordingly, dismissed.

(Anjana Mishra, J)

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