

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2786 of 2014

In
Civil Writ Jurisdiction Case No.18250 of 2010

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Sudama Ram Son of Late Gudar Ram R/o village Sebnan, P.O. Sebnan P.S.
Jehanabad, District Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri D.S. Gangwar, The Principal Secretary/The Secretary Personnel and Administrative Department, Govt of Bihar, Patna
3. Sri Sanjay Prasad, the then Deputy Secretary, Personnel and Administrative Department, Govt of Bihar, Patna
4. Sri Brajesh Malhotra, the Principal Secretary/The Secretary, Cabinet Secretariat, Govt of Bihar, Patna
5. Sri Dr. Upendra Nath Pandey, The Deputy Secretary Cabinet Secretariat, Govt of Bihar, Patna
6. Sri Salauddin Khan, The Deputy Secretary/The Joint Secretary Governor Secretariat, Raj Bhawan, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 15-11-2017 On 05.11.2012 C.W.J.C. No. 18250 of 2010 was disposed of granting liberty to the petitioner to pursue the matter with the Governor's Secretariat by filing a representation and it was directed that respondents would consider the case of the petitioner for grant of appointment against future vacancies.

Even though the petitioner by filing supplementary affidavit and various other documents received by him under Right to Information Act, has brought on record material to show that after 2012 and up to 31.07.2015 eight persons have



been appointed and details of the same have been indicated in Paragraph 5 of the supplementary affidavit but a perusal of the said documents goes to show that the 8 persons appointed were in various posts like Room bearer, Sweeper, Adeshpal etc.

From the order passed on 05.11.2012 in the case of the petitioner the petitioner was appointed as a Dailywages Garden Labour/Mali and, therefore, import of the order would be with regard to appointment of the petitioner as Gardener or a Mali. Admittedly, there is no material available on record to show that after 05.11.2012 any person has been appointed as a Gardener or Mali in the Secretariat in question. On the contrary from the show cause filed by the Respondent No. 6 in Paragraph 4 it is clear that no post of Gardener/ Garden Mazdoor or Mali is available in the Governor's Secretariat and after passing of the order none has been appointed on the said post.

In the aforesaid circumstances, it is not a fit case where action for contempt can be initiated.

Accordingly, the respondents are discharged from the proceedings and the application disposed of.

(Rajendra Menon, CJ)

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