

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3424 of 2012

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Nagesh Kumar S/o Sri Rajdhar Choudhary resident of Power House Road,
Gachchi Tola, Begusarai, P.S- Begusarai, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. R.K. Mahajan, the Secretary cum Commissioner, Department of Transport, Government of Bihar, Patna.
3. J.R.K. Rao, Chairman, Bihar Staff Selection Commission, Veterinary College, Patna.
4. Parshuram Mishra, Secretary, Bihar Staff Selection Commission, Veterinary College, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the State : Ms. Kumari Amrita GP-10
For the B.S.S.C. : Mr. K.K. Upadhyay, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

15 03-03-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

As per the directions issued earlier, the Transport Commissioner has appeared in person and has explained the facts and circumstances of the case. He has also brought on record the order dated 28.2.2017 present at Annexure-H by which the order passed earlier in the case of the petitioner vide Memo No. 564 dated 06.2.2017 has been withdrawn and cancelled. Subsequent letter dated 02.3.2017 at Annexure-H-1, he states that the writ application bearing CWJC No. 9376 of 2014 (Chandra Prakash vs. State of Bihar & others) as well as CWJC No. 16780 of 2016



(Satyendra Narayan Mishra & ors. vs. State of Bihar and Ors.) are pending before this Court and similar matters have also travelled up to the Apex Court in SLP(C) No. 28599 of 2016 (Secretary Bihar Staff Selection Commission vs. Moti Lal Sanatan & Ors.) which is pending consideration before the Apex Court. By this letter dated 02.3.2017, the State Transport Commissioner has added by way of corrigendum these facts in his letter no. 947 dated 28.2.2017.

Having heard learned counsel for the parties and taking into consideration that the case of similarly situated persons are still pending before this Court and that the consideration of the case of the petitioner in accordance with the order dated 26.3.2012, present at Annexure-1, this Court, in its considered opinion does not deem it fit to proceed further in the contempt matter.

The contempt application is thus disposed of.

The personal appearance of the Transport Commissioner stands dispensed with.

(Anjana Mishra, J)

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