

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2386 of 2014

In

Civil Writ Jurisdiction Case No. 998 of 2013

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Dharmendra Kumar Bharti S/o Shree Hare Krishna Ram Resident of
village - Khajuri, P.O. Akhatiyar Khajuri, P.S. Sarairanjan, District -
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Shree Amarjeet Sinha, the Principal Secretary, H.R.D, Government of Bihar, Patna
3. Shree Ram Sarnagat Singh, the Director, Primary Education, Government of Bihar, Patna
4. Shree Shyam Kishor Thakur, the District Teacher Employment Appellate Authority, Samastipur
5. Shree Jai Chand Prasad Srivastava, the District Education Officer, Samastipur
6. Shree Awadhesh Prasad Singh, the District Programme Officer, Samastipur
7. Shree Sudhir Kumar, the Block Development Officer, Dalsingsarai, District - Samastipur
8. Shree Sudhir Ranjan Saya, Block Education Officer, Dalsingsarai
9. Mr. Raj Kishore Sah, Mukhia, Gram Panchayat Raj, Sultanpur Ghathoo, Samastipur
10. Shree Ayodhya Mahto, the Secretary, G.P.R. Sultanpur, Ghathoo, Samastipur
11. Mr. Niraj Kumar Mishra S/o Mithlesh Kumar Mishra R/o Village - Korhanpur, P.S. Ghathoo, District - Samastipur
12. Mr. Chandan Kumar Chandan, S/o Shree Naresh Mishra R/o Village - Keshampur, P.S. Ghathoo, District - Samastipur, the Acting Head Master, Upgraded Middle School, Mushar Toli, Banghara Samastipur
13. Sanju Kumari W/o Sri Vijay Kumar Mahto Resident of Village - Banghara, P.S. Ghathoo, District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar

For the Respondent/s : Mr. Roy Shivaji Nath

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 17-10-2017

Having gone through the facts of the case in



detail, it is seen that the present applicant was respondent No. 10 in Civil Writ Jurisdiction Case No. 998 of 2013. In the said Writ Application, respondent herein, respondent No. 13 Sanju Kumari had come out with a plea that she was appointed by the Niyojan Samiti on 05.11.2012 but her joining has not been accepted. Finding that in Civil Writ Jurisdiction Case No. 12666 of 2012, there was already an order permitting joining to the petitioner, the writ petition was disposed of permitting joining to the petitioner. The petitioner therein, respondent No. 13 was permitted to join. However, the present application seems to have been filed on appeal which was decided by the District Teacher Employment Appellate Authority, Samastipur on 03.07.2013 and it is the case in this contempt application that as joining of respondent No. 13 by virtue of the order passed in C.W.J.C. No. 998 of 2013 on 13.05.2013 was subject to the final decision of the Appellate Tribunal and the Appellate Tribunal has cancelled the appointment of respondent No. 13, the petitioner be not permitted to join on the post in question.

On such ground, action for contempt cannot be initiated and I see no reason to proceed with the matter.

Accordingly, the application is disposed of with liberty to the petitioner to seek enforcement of the order passed by



the Appellate Tribunal, in accordance with the provisions available under law.

(Rajendra Menon, CJ)

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