

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6514 of 2012

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1. Sriram Saroj S/O Late Ramdev Ram R/O Village - Rakasiyan Post - Mendhra, Bikaramganj, Distt. - Rohtas
2. Shashikant Saroj S/O Late Ramdev Ram R/O Village - Rakasiyan, Post - Mendhra, Bikaramganj, Distt. - Rohtas
3. Vikarna Prasad S/O Late Ramgrihi Ram R/O Village - Rewatiyan, Post - Bachap, Distt. - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Aashish Ranjan, the District Education Officer, Buxar
3. Mr. Ramesh Paswan S/O Not Known, The District Program Officer (Establishment), Distt. Buxar
4. Mr. Kumar S/O Not Known, the Sub - Divisional Education Officer, Buxar
5. Mr. Ishwarchand Sah S/O Not Known, The Block Extension Officer, Block – Dumaraon.
6. Mr. Amarendra Kumar, Block Development Officer-cum-Secretary Block Teach Employment Committee, Buxar.
7. Mr. Arvind Kumar, Block Development Officer-cum-Secretary Block Teacher Employment Committee, Simari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey, Adv.
For the Respondent/s : Mr. Kumar Alok, SC-7
Mr. Raj Kumar Singh, AC to SC -7
Mr. Rakesh Kumar, AC to SC -7

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

11 04-02-2017

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners seek compliance of the order dated 20.04.2012 passed in C.W.J.C. No. 7233 of 2012. In pursuance of the said direction, this Court had issued a show cause to the opposite party, who has since appeared and explained the



circumstances in which the order passed by this Court, could not be complied with as the matter was referred by himself to the District Teacher Employment Appellate Authority, Buxar, who has since made an enquiry. In the said enquiry, it came to light that the petitioner was possessing a certificate from the Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh which was not a recognized institution for the purposes of employment. As such, an application was filed before the Presiding Officer of the Appellate Authority at Buxar regarding Appeal Nos. 54, 56, 57, 61 and 62 of 2010 for modification of the order passed by the Authority earlier vide order dated 17.01.2011. The said order dated 17.01.2011 was the order which was the subject matter of the writ application before this Court in which the order under contempt is sought to be implemented in the present MJC.

Learned counsel for the petitioners, however, submits that the authority in question was not empowered to review its own order. Moreover, the certificates issued by the Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh prior to 30.10.2008 were not in question and it was only those certificates which were issued thereafter, were held to be de-recognized for the purposes of employment.

Learned counsel for the State in his show cause filed



on 08.01.2015 has brought on record the letter dated 07.01.2015 and also Annexure-D to the show cause filed on 21.12.2015, in which the appellate authority has categorically rejected the case of those persons who were appellants in Appeal Nos. 54, 56, 57, 61 and 62 of 2010 and has held vide order dated 16.05.2013 that the order which was sought to be implemented having been passed earlier by itself stood modified and need not be implemented.

In view of such circumstances and since the case of the petitioner for implementation of the order stands modified and rejected by the Appellate Authority, no case of violation of order is made out. The petitioners are at liberty to contest its validity before an appropriate forum.

As such, this Court does not want to proceed further in the contempt application. It is accordingly, dismissed.

(Anjana Mishra, J)

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