

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4162 of 2013

IN

Civil Writ Jurisdiction Case No. 9225 of 2013

=====

1. Subhash Kumar S/O Suryakant Mishra Resident Of Village- Sudai, P.S. Fulparas, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Ajay Kumar Choudhary S/O Name Not Known To The Petitioner At Present Working As Principal Secretary (Primary Education), Human Resources Development Department, Government Of Bihar, Patna
3. Mr. Vinod Kumar Bimal S/O Name Not Known To The Petitioner At Present Working As District Programme Officer, Madhubani
4. Mr. Kunj Bihari Singh S/O Name Not Known To The Petitioner At Present Working As Block Development Officer, Laukahi, District- Madhubani
5. Mr. Md. Muzaffarpur Imam Khan S/O Name Not Known To The Petitioner At Present Working As Block Education Extension Officer, Laukahi, District- Madhubani
6. Smt. Madhu Bharati W/O Sri Madhusudan Yadav At Present Working As The Pramukh, Laukahi Panchayat Samiti, District- Madhubani
7. The Block Teachers Selection Committee, Laukahi, District- Madhubani Through Md. Muzaffar Imam Khan, Block Education Officer, Laukahi, District- Madhubani

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate

For the Respondent/s : Mr. Sunil Kr. Mandal, AC-3
Mr. Arjun Prasad, AC to SC-3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 28-06-2017

Inter alia contending that an order passed on 14.5.2013 in C.W.J.C. No.9225 of 2013 has not been complied with, this application has been filed for initiating action for contempt.

The writ petition was disposed of with the following directions:



“This writ application is too disposed of with a direction to the respondent authorities to issue appointment letter to the petitioner against the vacancies of the relevant period subject to there being no other legal bar to issuance of the same.”

It is stated by filing various affidavits by the petitioner that in spite of direction issued, the appointment orders had not been issued to the petitioner. However, the respondents have filed a reply to say that, in all, 85 vacancies of Block Teachers were available in the Block in question out of which 22 vacancies were for the general category candidates in which category the petitioner applied. As per merit list, the candidates have been appointed and as no candidate less meritorious than the petitioner has been appointed, it is stated, that no indulgence into the matter is required.

Learned counsel for the petitioner contends that false statements have been made by the respondents to say that the petitioner's name did not appear in the merit list and, therefore, no action can be taken, as the name of the petitioner did appear in the wait list. It is further stated that except for the petitioner all other persons in the wait list have been appointed.

Only 22 vacancies were available. These vacancies have been filled up and no person less meritorious than the petitioner has been appointed. Keeping in view the same and the fact that the order passed by the learned Writ Court was to grant appointment to the



petitioner against the vacancies of the relevant period, in case there is no legal bar, I am of the considered view that once the respondents say that there were only 22 vacancies and as per merit list all candidates have been appointed, now in these contempt proceedings no further action is required to be taken.

In case the petitioner feels that he has been illegally denied appointment, it gives him a fresh cause of action.

With the aforesaid liberty, this contempt application is disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.7.2017
Transmission Date	N/A

