

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.4272 of 2013**

**In**  
**Civil Writ Jurisdiction Case No. 3168 of 2013**

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1. Raj Kumar Mukhiya, S/o Ram Narayan Mukhiya, resident of Village-Lalman Patti, P.S. Punauli, District- Supaul.
  2. Umesh Kumar, S/o Late Ram Dahin Yadav, resident of Village-Dubhaila, P.S. Andhramath, 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 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. Muzaffar 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

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**Appearance :**

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

For the Respondent/s : Mr. Anwar Karim, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL ORDER**

13 30-06-2017

*Inter alia* contending that an order dated 01.05.2013 passed by this Court in Civil Writ Jurisdiction Case No.3168 of 2013 has not been complied with, this application has been filed for initiating action for contempt.

On 01.05.2013, the order passed by this Court was to the extent that authorities shall issue appointment orders to the



petitioners against the vacancies of the relevant period subject to there being no legal bar in issuance of the same. The Block Development Officer was directed to take a decision in the matter. The matter has been considered by the competent authority and vide the order Annexure-A dated 27.09.2016, the claim of the petitioners has been rejected by holding that the petitioners were included in a panel that was prepared in the year 2010. This panel had lapsed on 31.12.2010 and for all the vacancies from 2008 onwards up to 2012 by including them, process has been initiated and now the applicants do not fulfill the requisite qualifications.

Even though by filing a detailed reply to the show cause, the petitioners have tried to indicate that the decision taken is not correct and the petitioners were entitled to the benefit, the fact remains that the only direction issued in the writ petition was to appoint the petitioners by issuing appointment order in case there is no legal bar and subject to the vacancies of the relevant period. Now, in the order passed on 27.09.2016, the respondents have given various reasons for not issuing the appointment order. Once the respondents have given various reasons for the same, this Court in this contempt proceeding, now, cannot evaluate the reason and thereafter take a decision



afresh in accordance with law. This is beyond the jurisdiction available to this Court in the contempt proceedings and, therefore, this Court does not find any case made out for initiating contempt proceedings. In case, the petitioners have any grievance still subsisting, they may challenge the subsequent action afresh in accordance with law.

For the present, finding no case for initiating action for contempt and granting aforesaid liberty to the petitioners, this application stands disposed of.

**(Rajendra Menon, CJ)**

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