

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3020 of 1998

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1. Juber Khan, son of Abdul Hakik Khan, resident of Village- Bugahi, Post Office- Banahi, under Gram Panchayat-Mahuan Chakbat, Police Station and Block- Bihya, District- Bhojpur at Arrah
 2. Birendra Pandey, son of Hari Govind Pandey, resident of Village- Sikaria, under Gram Panchayat- Sikaria, Maniyara, Police Station- Tiar, Block- Bihiya, District- Bhojpur at Arrah.
 3. Ram Ekbal Singh, son of Late Ramji Singh, resident of Village- Karja, under Gram Panchayat- Karja Keshawpur Simaria, Police Station- Karja, Block- Barhara, District- Bhojpur at Arrah
 4. Raj Kishore Singh, son of Late Ram Lakhan Singh, Resident of Village- Post Office and Gram Panchayat- Osain, Police Station and Block- Bihiya, District- Bhojpur at Arrah

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Gopal Shanker Prasad, The Director, Directorate of Panchayati Raj, Government of Bihar, Patna
3. Sri U.K. Sinha, the Commissioner, Patna Division, Patna
4. Sri S. Sidharth, The District Magistrate, Bhojpur at Arrah
5. Sri M. Lakra, The Deputy Development Commissioner, Bhojpur at Arrah.
6. Sri Shailendra Bhushan, The District Panchayat Officer, Bhojpur at Arrah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, A.A.G.-V

Mr. Md. Kamil Akhtar, A.C. to AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 22-02-2017

The writ application filed by the petitioners was decided on 18th of May, 1998 in terms of order dated 9th of September, 1997 passed in C.W.J.C. No. 4947 of 1997 (Ram Naresh Rai Vs. the State of Bihar & Ors.) decided on 9th of September, 1997 and in C.W.J.C. No. 11423 of 1995 (Ram Narain Rai Vs. The State of Bihar and others), decided on 14th of August, 1996. By the said orders, the



roster points were ordered to be prepared to give effect to the Supreme Court judgment in the case reported as R.K. Sabharwal and others Vs. State of Punjab and others, A.I.R. 1995, S.C.W. 1371.

2. The petitioners are general category candidates seeking promotion to the post of Panchayat Sewak, since named as Panchayat Secretary. The claim of the petitioners was considered by the District Selection Board on 3rd of May, 2000 to fill up 75 vacancies. Out of 75 vacancies, 18 posts are meant for General Category; 14 are meant each for Scheduled Castes and Scheduled Tribes; 18 for Most Backward Class, 07 for Backward Class and 04 for Most Backward Class (Female) but out of 18 general category posts, 9 Dalpatis of general category, 9 Dalpatis of Backward Class Category were selected as per gradation-list of 1999. The cut off line for the general category was 44/99 whereas, the petitioners stand at Serial No. 56/99 and 47/99. Since the petitioners were beyond the cut off line, the petitioners were not promoted as Panchayat Sewaks.

3. The direction of this Court in C.W.J.C. No. 11423 of 1995 was as under:-

“4. In view of the stand taken by the respondents-State that after 1994 no appointment has been made and respondents-State will implement the Memo No. 117 dated 30.9.1995 whenever appointment is made to the post of Panchayat Sewak, I need not enter into the merits of the case. It goes without saying that in the event the respondents-State



proceed for making further appointment to the post of Panchayat Sewak, it shall follow the guidelines and mandate laid down by the Supreme Court as also by this Court in the decision referred to hereinabove.”

4. Since the direction was to make appointment to the post of Panchayat Sewaks in terms of Memo No. 117 dated 30th of September, 1995 and which, as per the respondents, have been done, therefore, it cannot be said that orders of this Court has not been complied with. If aggrieved, the petitioners were required to take recourse to the remedies available to them in accordance with law.

5. I do not find that the Contempt Petition survives. The same is disposed of as infructuous with liberty to the petitioners to take recourse to such other remedy as the petitioners choose to avail in accordance with law.

(Hemant Gupta, ACJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.03.2017
Transmission Date	

