

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.93 of 2015

In

Civil Writ Jurisdiction Case No. 5534 of 2005

- =====
1. Shiv Kumar Singh Son of Nagina Singh resident of village - Kadhania, P.O. and P.S. Mahua, District - Vaishali at Hajipur
 2. Umesh Mahto Son of Sri Bipat Mahto Resident of village - Gorigama, P.O. and P.S. Mahua, District - Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Anand Kishore, the Secretary - Cum - Commissioner, Department of Health Services Government of Bihar, Patna
3. Sri Madan Kumar Sharma, the Chief Malaria Officer - Cum - Welfare officer, Department of Health Government of Bihar, Patna
4. Sri Binod Kumar Gujriyal, the District Magistrate Vaishali at Hajipur
5. Dr. Ramashish Kumar, the Civil Surgeon - Cum - Chief Medical officer Vaishali at Hajipur
6. Sri Birendra Kumar, the Deputy Collector Establishment, Collectariate of Vaishali at Hajipur
7. Sri Anil Kumar, the District Malaria Officer Vaishali at Hajipur
8. Sri Prakash Kumar, the Deputy Collector Nazarat Collectariate of Vaishali at Hajipur null null

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Brajesh Kumar, AC to AAG 7

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 21-11-2017

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek compliance of the order passed in C.W.J.C. No. 5534 of 2005 in which this Court has disposed of the case in the following terms:-

“Considering the fact that allegation regarding infirmity in the panel of the year 2003 has already been considered by this Court and a direction



has also been issued for scraping it, the petitioner's prayer is also being allowed, giving direction to the Respondents to consider his name also for inclusion in the panel of the year 2003, considering his seniority and merit."

This Court finds that the earlier writ application had also been disposed of in the following terms:-

"The respondents have either to follow the merit position of the panel or scrap the panel itself if there are any infirmities in it. If the panel has to be scrapped all appointments made under the panel must go. If the merit position in the panel has not been followed someone in the Government is answerable for it by invoking issues beyond the merit panel.

Let the case of the petitioner be considered in accordance with law within a maximum period of eight weeks from the date of receipt/production of a copy of this order.

The application stands disposed."

In both the writ applications, though clouds has been placed on the panel of the year 2003, the direction is to dispose of the cases of the respective petitioners in accordance with law. Neither the respective orders give any clear-cut finding nor direction in favour of the said petitioners. The response in the present contempt application by the opposite parties is that after due consideration in accordance with law, the petitioner, who was



earlier in the panel of the year 1997 at Serial no. 779, has now been upgraded and in the panel of 2003, the petitioner has been placed at Serial no. 294(A). As such, this Court does not find it to be a violation of the order passed by this Court and, therefore, this Court is not inclined to proceed further in the matter and the contempt application stands dismissed.

However, the petitioner, if aggrieved by his place in the gradation list, he may seek appropriate remedy in accordance with law.

(Anjana Mishra, J)

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