

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.532 of 2017

In

Civil Writ Jurisdiction Case No. 5966 of 2015

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1. Manoj Kumar, son of Deo Narayan Kapri, resident of village- Mathurapur , P.O.- Ahiro, Dhoraiya, District- Banka.
 2. Kumari Nishu, wife of Chakradhar Mandal, resident of village- Sovanpur, P.S.- Amarpur, District- Banka.
 3. Seema Kumari Gupta, wife of Arun Gupta, resident of village- Chiraiya, P.S. - Amarpur, District- Banka.
 4. Arbind Kumar, son of Ramchandra Thakur, resident of village- Sovanpur, P.S.- Amarpur, District- Banka.
 5. Rupesh Ranjan, son of Ghanshyam Prasad, resident of village- Beldiha, P.O.- Ahiro Dhoraiya, Banka.
 6. Rambha Kumari, wife of Manoj Kumar, resident of village- Ballikita, P.O.- Koshalpur, Amarpur, District- Banka.
 7. Pinku Kumari, wife of Sanjeev Kumar, resident of village- Bandarchua, P.O.- Ahiro , Dhoraiya, District- Banka.
 8. Kumar Gaurab, son of Sitaram Panjiyara, resident of village- Mojahidpur, Amarpur, District- Banka.
 9. Shailesh Kumar, son of Sri Saru Das, resident of village- Bishanpur Jichho, Lodipur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri M Ramachandrudu, the Director, Primary Education, Govt. of Bihar, Patna.
3. Dr.Nilesh Deor, the District Magistrate, Banka.
4. Sri Sashatwanand Jha, the District Education Officer, Banka.
5. Anil Kumar Sharma, the District Programme Officer, (Establishment), Banka.
6. Rakesh Kumar, the Block Development Officer, Amarpur, District- Banka.
7. Jamshed Ansari, Block Education Extension Officer, Amarpur, Banka.
8. Nilam Devi, the Mukhiya, Gram Panchayat Raj, Shobhanpur, Block- Amarpur, District- Banka.
9. Md. Nazam, the Panchayat Secretary, Gram Panchayat Raj, Shobhanpur, Block- Amarpur, District- Banka.
10. Putul Kumari, Daughter of Ambika Paswan, resident of village- Kasaub, Shambhuganj, District- Banka.
11. Pramila Kumari, Daughter of Rajendra Prasad Singh, resident of village- Momhammadpur, Bhagalpur, District- Munger.
12. Bhawesh Kumar, son of Karu Lal Bhagat, resident of village- Karsuni, Police Station- Rajaun, District- Banka.
13. Sanjay Kumar, son of Sitaram Thakur Bihari, resident of village- Majhgayan, P.O.- Sangrampur, District- Munger.
14. Parmanand Sharma, son of Govind Prasad Sharma, resident of village- Majhgayan, P.O.- Sangrampur, District- Munger.

.... Opposite Party/s

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Appearance :



For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Adv. With
Ms. Shashi Priya Pathak, Adv.

For the Opp. Party-State : Mr. Ashutosh Ranjan Pandey, AAG-15

For the Opp. Party No.9 : Mr. Brisketu Sharan Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 17-05-2017 Heard the parties.

The Writ Court while allowing the writ petition in consideration of the prayer of the petitioners that they are entitled to arrears of salary since February, 2015 permitted them to raise their grievance before the District Programme Officer who in turn was directed to consider and dispose of the same in accordance with law. Since the grievance of the petitioners was not considered that the petitioners came this Court through the contempt application.

A show cause has been filed by opposite party no.9 for and on behalf of the District Niyojan Samiti as well a separate show cause has been filed by the District Programme Officer, opposite party no.5 enclosing an office order bearing Memo No.1162 dated 13.5.2017, whereby the claim of the petitioners for arrears of salary has been rejected, inter alia, on grounds that the petitioners were not in service.

Mr. Tej Bahadur Singh, learned senior counsel appearing for the petitioners endeavours to question the order on merits but in my opinion, the forum to contest the same lies



elsewhere and not in contempt application.

In view of the order present at Annexure-A series to the show cause of opposite party no.5 no occasion lies for proceeding in contempt jurisdiction which is accordingly disposed of reserving liberty for the petitioners to question the same by filing an appropriate application before an appropriate forum.

The contempt application is disposed of accordingly.

(Jyoti Saran, J)

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