

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5210 of 2011

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Sushil Prasad, son of Late Raja Ram Mahto, resident of Lal Darwajam Mirchi
Talab, Dhobi Totla, PS Kotwali, District Munger & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Ravi Kumar Singh, Advocate

For the Respondent/s : Mr. Vijay Kumar Verma, Ac to GA 2

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-09-2017

Inter alia contending that certain directions issued by this Court on 08.04.2011 in CWJC No. 12400 of 2003 having not been complied with this application for initiating action for contempt has been filed. The direction issued by this Court reads as under:-

“Having considered the matter, in my view, the writ petition has to be allowed, under the circumstances, as noted above with a direction to the Collector-cum-District Magistrate, Munger to immediately within one month, take all necessary steps and revise the panel, as prepared, for giving employment in Class IV service, which became available in the State in respect of the petitioners and then proceed strictly in order of seniority-cum-merit for the said purpose.

“With the aforesaid observation and direction, the writ petition is disposed of.”



Respondents have filed a show cause and have pointed out that the Collector has examined the matter. The matter was referred to a Committee and steps were taken for revising the panel and after considering the same it was found that the petitioners were not found fit and a detailed order has been passed indicating the reasons as to why they were found ineligible. On going through the detailed order passed as contained in Annexure-A to the show cause, the proceedings of the Committee held on 17.09.2011 and the final order that is available at page -60 it is seen that only six applicants submitted their applications and their names were in the panel at Sl. Nos.119, 110, 123, 125, 380 and 162. According to the aforesaid order, there were only 43 vacancies and as the applicants were below the merit list they have not been appointed.

That apart, various reasons have been given showing that they did not belong to the concerned department and, therefore, their claim could not be considered.

Now, in the light of these disputes that have come on record, it is not a fit case for which action for contempt can be initiated. The respondents having taken action and indicated as to why the petitioners' claim was rejected on various grounds, this Court cannot go into the legality or otherwise of this action in a contempt proceeding, accordingly, in the facts and circumstances of



the case, does not find any ground to initiate any action for contempt instead the petitioners are at liberty to agitate with regard to the issue in question if they are advised before any appropriate court in accordance with law. On the grounds canvassed before me it is not a fit case for which proceeding for contempt can be initiated.

Accordingly, finding no ground for taking action in the matter, this application is disposed of with the aforesaid liberty to the petitioners.

(Rajendra Menon, CJ)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.09.2017
Transmission Date	N.A.

