

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3056 of 2014

IN

Civil Writ Jurisdiction Case No. 9748 of 2002

- =====
1. Kundan Bharti S/o Late Jay Narain Singh Resident of Village Khanpur English,
P.S. Sultanganj, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar B. Rajendran, Secretary, Agriculture Department, New
Secretariat, Bikash Bhawan, Patna.
2. D.J.H. Khan, District Magistrate-cum-Collector, Bhagalpur, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to GP-21

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 01-06-2017

On 20.2.2009, C.W.J.C. No.9748 of 2002 was taken up for hearing and after detailed consideration, the writ petition was disposed of taking note of an earlier order passed in C.W.J.C. No.15681 of 2005 on 13.8.2007 and the respondents were directed to re-consider the matter and take a decision. The order dated 13.8.2007 passed in C.W.J.C. No.15681 of 2005 disposes of the writ petition by holding that the writ petition is allowed. The District Magistrate,



Bhagalpur was directed to proceed and re-consider the matter in relation to the petitioners in accordance to the law then prevailing and complete the process within two months.

From the show cause filed by the respondents and Annexure-B annexed thereto, it is seen that the matter was reconsidered by the five member committee which consisted of the District Magistrate, Bhagalpur also and after evaluating the case of the petitioner afresh, it was found that the petitioner has obtained 56.8 marks out of minimum 63 marks fixed for his category and by recording a finding that the petitioner is not eligible for appointment as per merit, his claim has been rejected.

Even though learned counsel for the petitioner tried to indicate that the consideration has not been made properly, however, taking note of the fact that the learned Writ Court had only directed the District Magistrate, Bhagalpur to re-consider the matter and take a decision and once a decision has been taken, as is evident from Annexure-B to the show cause, tenability, justification, legality or otherwise of the decision cannot be questioned or adjudicated in these contempt proceedings.

Accordingly, granting liberty to the petitioner to



challenge the tenability of Annexure-B afresh in accordance with law
in a procedure available and authorized in law, this application
stands disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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