

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1775 of 2017

In

Civil Writ Jurisdiction Case No. 426 of 2016

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Baijnath Singh, S/o Late Bake Bihari Sharma, Resident of Village-Bhinpura, P.S.-Masaurhi, District-Patna, at Present Posted as Corresponding Clerk, Road Construction, Shivhar.

.... Petitioner

Versus

1. The State of Bihar Through Laxshmi Narayan Das Engineer In Chief Cum Additional Commissioner Cum Special Secretary Bihar, Patna.Bihar, Patna
2. Amrit Lal Mina The Principle Secretary, Road Construction Department Bihar, patna.
3. Madan Prasad, the Deputy Secretary, Road Construction Department Bihar, Patna.
4. Gyanchand the Joint Secretary Road Construction Department Bihar, Patna.
5. Kameshwar Lal, The Executive Engineer, Road Construction, Shivhar.

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Avinash, Adv.

For the Respondent/s : Mr. Raj Ballabh Prasad Yadav, AAG 11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 31-01-2018 Heard Mr. Avinash, learned counsel for the petitioner and Mr. Raj Ballabh Prasad Yadav, learned AAG-11, for the State.

The petitioner has filed this contempt application complaining non-compliance of the judgment and order passed by this Court in C.W.J.C.No. 426/2016, whereby the Engineer-in-Chief cum Addl. Commissioner cum Special Secretary, Bihar, Patna was directed to consider the prayer of the petitioner for his transfer from Sheohar and dispose of the same within a period of six weeks from the date of receipt/ production of a copy of the



order bearing in mind that the petitioner has completed three years at Sheohar.

A show cause is filed on behalf of the opposite parties enclosing an order bearing Memo No. 6188(S) dated 11.7.2017, whereby the representation of the petitioner has been rejected inter alia on grounds that no post of Clerk was available.

Although Mr. Avinash, learned counsel for the petitioner, endeavours to contest the reasons assigned by the respondents to reject the representation of the petitioner but then forum for such adjudication would be otherwise and not in a contempt jurisdiction.

The petitioner, if so advised, can question the order dated 11.7.2017 at Annexure-A to the show cause in an appropriate proceeding before an appropriate forum but for the present no cause for indulgence in contempt is made out and the contempt application is accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

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