

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1889 of 2017

IN

Civil Writ Jurisdiction Case No. 922 of 2017

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1. Dina Nath Prasad Son of Late Ram Swaroop Prasad, Resident of Village-Bhagwanpur, P.O. Siswa, Police Station-Nawada Muffasil, District-Nawada, Superannuated as Panchayat Secretary at Akbarpur Block, District-Nawada.
 2. Suresh Prasad Son of Late Jagdish Mahto, Resident of Village +P.O. Akauna Bazar, Police Station-Nawada Muffasil, District-Nawada at Present Posted as Panchayat Secretary at Rajauli Block, District-Nawada.
 3. Bir Kuwar Singh, Son of Late Baidyanath Yadav, Resident of Village-Tanpura, P.O.Cherwar, P.S. Pakri Barawan, District-Nawada, at Present Posted as Panchayat Secretary at Kauwa Kole Block, District-Nawada.
 4. Madan Prasad Kushwaha, Son of Hulas Prasad Kushwaha, Resident of Village + P.O. Mahrawan, P.S.Roh, District-Nawada at Present Posted as Panchayat Secretary at Hisua Block, District-Nawada.
 5. Arun Kumar, Son of Sri Banwari Prasad Yadav, Resident of Village-Gopalpur, P.O. Nawadih, P.S. Rupou, District-Nawada, at present Posted as Panchayat Secretary at Warsaliganj Block, District-Nawada.
 6. Arun Kumar Son of Jai Prakash Singh, Resident of Dola, P.O. Deodha, P.S. Pakri Barawan, District-Nawada at Present Posted as Panchayat secretary at Kauwa Kole Block, District-Nawada.
 7. Kamlesh Kumar, Son of Late Nathun Mahto, Resident of Village-Bahera, P.O.Sumrigarh, P.S. Warsaliganj, District-Nawada, at Present Posted as Panchayat Secretary at Hisua Block, District-Nawada.
 8. Sanjay Kumar Singh, Son of Sri Roop Narayan Singh, Resident of Village-Pachwara, P.O. Saurajepur, P.S. + Block Warsaliganj, District-Nawada at Present Posted as Panchayat Secretary at Hisua Block, District-Nawada.
 9. Ram Ballav Singh, Son of Late Munna Singh, Resident of Village-P.O. Kashichak, District-Nawada, at Present Posted as Panchayat Secretary at Roh Block, District-Nawada.
 10. Shambhu Saran, Prasad, Son of Late Tilakdhari Prasad, Resident of Village-Nawadih, P.O. Pithouri, P.S. Akbarpur, District-Nawada at Present Posted as Panchayat Secretary at Rajauli Block, District-Nawada.
 11. Bhuneshwar Prasad, Son of Late Bharat Prasad, Resident of Village-Dhanuchak, P.O. Bahadurpur P.S. Rajauli, District-Nawada at Present Posted as Panchayat Secretary at Akbarpur Block, District-Nawada.
 12. Jai Nandan Prasad, Son of Late Gendu Singh, Resident of Village + P.O. Targir, P.S. Rajauli, District-Nawada at Present Posted as Panchayat Secretary at Akbarpur Block, District-Nawada.
 13. Pawan Kumar Son of Late Kailash Prasad, Resident of Village-Govindpur, P.O. Shambe, P.S. Warsaliganj, District-Nawada at Present Posted as Panchayat Secretary at Nawada Block, District-Nawada.
 14. Shailendra Kumar, Son of Late Bhagwat Prasad Yadav, Resident of Village-Jhiktauna, P.O. Siswa, P.S. Mufti Akauna, District-Nawada at Present Posted as Panchayat Secretary at Sirdala Block, District-Nawada.



15. KailashRam, Son of Late Ram Tahal Ram Resident of Village-Gangadih, P.O. Tetariya, P.S. Govindpur, District-Nawada at Present Posted as Panchayat Secretary at Rajauli Block, District-Nawada.
16. Manoj Kumar, Son of Late Basudeo Prasad, Resident of Village + P.O. Dhamni, P.S. Rajauli, District-Nawada at Present Posted as Panchayat Secretary at warsaliganj Block, District-Nawada.
17. Mahendra Kumar Pandey, Son of Late Chandra Shekhar Pandey, Resident of Village-P.O. Sakdar, P.S. Wazirganj, District-Gaya, at Present Posted as Panchayat Secretary at Roh Block, District-Nawada.
18. Ram Swaroop Yadav, Son of Late Tukkan Yadav, Resident of Village-Jhirjho, P.O.+P.S. Rajauli, District-Nawada at Present Posted as Panchayat Secretary at Akbarpur Block, District-Nawada.
19. Shailendra Prasad, Son of Sri Brijnandan Prasad, Resident of Village-P.O. Jalalpur, P.S. Warsaliganj, District-Nawada at Present Posted as Panchayat Secretary at Kauwa Kole Block, District-Nawada.
20. Kridhns Kumar, Son of Late Jagdish Mahto, Resident of Village-Govindpurdih, P.O.+P.S. Govindpur, District-Nawada at Present Posted as Panchayat Secretary at Rajauli Block, District-Nawada.
21. Rajendra Paswan, Son of Late Sahdeo Paswan, Resident of Village-Gebali, P.O. Samharigarh, P.S. Roh, District-Nawada at Present Posted as Panchayat Secretary at Nawada Block, District-Nawada.
22. Ambika Prasad Verma, Son of Late Bharat Prasad, Resident of Village-Dhamuchak, P.O. Bahadurpur, P.S. Rajauli, District-Nawada at Present Posted as Panchayat Secretary at Sirdala Block, District-Nawada.
23. Ram Briksh Paswan, Son of late Shyam Lal Paswan, Resident of Village-Karmatand, P.O. Kadahar, P.S. Kauwa Kole, District-Nawada at Present Posted as Panchayat Secretary at Hisua Block, District-Nawada.
24. Nagendra Kumar, Son of Sri Kameshwar Singh, Resident of Village-Diaura, P.O. Budhauri, P.S. Pakri Barawan, District-Nawada at Present Posted as Panchayat Secretary at Kauwa Kole Block, District-Nawada.
25. Lalan Prasad Singh, Son of Sri Dani Singh, Resident of Village-Gopalpur, P.O. Makhan, P.S. Akbarpur, District-Nawada at Present Posted as Panchayat Secretary at Govindpur Block, District-Nawada.
26. Ram Lakhan Prasad, Son of Late Chandeshwar Mahto, Resident of Mohalla-Kanhai Nagar, P.O. Nawada, P.S. Nawada (Town), District-Nawada, Superannuated as Panchayat Secretary at Pakri Barawan Block, District-Nawada.
27. Sadanand Prasad Singh, Son of Late Balratan Prasad Singh, Resident of Village-P.O. Dumrawan, P.S. Pakri Barawan, District-Nawada, Superannuated as Panchayat Secretary at Sirdala Block, District-Nawada.
28. Ravi Shankar Singh, Son of Late Dhanushdhari Singh, Resident of Village-Anti P.O. Nardiganj, P.S. Nawada, District-Nawada, Superannuated as Panchayat Secretary at Nardiganj Block, District-Nawada.
29. Uday Prasad Singh, Son of Late Dwarla Singh Resident of Village-Balaiya, P.O. Bhanai, P.S. Akbarpur, District-Nawada, Superannuated as Panchayat Secretary at Rajauli Block, District-Nawada.
30. Ravindra Kumar Sharma, Son of Sri Lakhan Singh, Resident of Village-P.O. Budhauri, P.S. Pakri Barawan, District-Nawada, at Present Posted as Panchayat Secretary at Akbarpur Block, District-Nawada.
31. Saroj Kumar, Son of Late Rajeshwar Singh, Resident of Village-Pajhma, P.O. Bauri, P.S. Kashichak, District-Nawada at Present Posted as



Present Posted as Panchayat Secretary at Pakri Barawan Block, District-Nawada.

32. Achchutanand Prasad, Son of Late Rajo Singh, Resident of Village-P.O. Ohri, P.S. and District-Nawada, Superannuated as Present Posted as Panchayat Secretary at Rajauli Block, District-Nawada.

33. Satya Narayan Prasad, Son of Bishnu Sao, Resident of Village-P.O.+P.S. Kauwa Kolem, District-Nawada.

34. Ashok Kumar, Son of Late Hari Lal Gupta, Resident of Village-P.O. +P.S. Kauwa Kolem, District-Nawada.

35. Ram Naresh Prasad Singh, Son of Baijnath Singh, Resident of Village-Bagodar, P.S. Hisua, District-Nawada, Superannuated as Panchayat Secretary at Pakri Barawan Block, District-Nawada.

36. Shyam Kishore Sharma, Son of Late Saryu Sharma, Resident of Village-Khaira, P.O. Kharsari, P.S. Kauwa Kole, District-Nawada, at Present Posted as Panchayat Secretary at Roh, Block, District-Nawada.

37. urari Prasad, Son of Late Bishundhari Singh, Resident of Village-Ismailpur, P.O. Bargao, Police Station-Sirdala, District-Nawada, at Present Posted as Panchayat Secretary at Nardiganj Block, District-Nawada.

38. Karu Ram, Son of Raso Ram, Resident of Village-Rajpur, P.O. Ruhila, P.S. + Block Akbarpur, District Nawada, at Present Posted as Panchayat Secretary at Narhat Block, District-Nawada.

39. Kishori Prasad, Son of Late Jago Mahto, Resident of Village + P.O. Kahuara, P.S. Nardiganj, District-Nawada, Superannuated as Panchayat Secretary at Nardiganj Block, District-Nawada.

40. Triloki Singh, Son of Late Daho Singh, Resident of Village-Arian, P.O. Siswa, P.S. Hisua, District-Nawada, Superannuated as Panchayat Secretary at Govindpur Block, District-Nawada

41. Sahdeo Prasad Yada, Son of Prayag Yadav, Resident of Village-Belkunda, P.O. and P.S. DJamaul, District-Nawada, Superannuated as Panchayat Secretary at Nawada Block, District-Nawada.

42. Ramanandan Prasad Singh, Son of Late Brijnandan Singh Resident of Village-Kaithir P.O. Dono, P.S. Hisua, District-Nawada, Superannuated at Panchayat Secretary at Kashichak Block, District-Nawada.

43. Sukhdeo Verma, Son of Late Chamari Prasad, Resident of Village-Upardih, P.O. G.B. Kendu, P.S. Sirdala, District-Nawada at Present Posted as Panchayat Secretary at Govindpur Block, District-Nawada.

44. Arvind Kumar Singh Son of Late Kailash Singh, Resident of Village-Khanapur, P.O. + P.S. Warsaliganj, District-Nawada, at Present Posted as Panchayat Secretary at Nawada Block, District-Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

2. Sri Kuldeep Narayam, Director, Department of Panchayati Raj, Govt. of Bihar, Patna.

3. Sri Manoj Kumar, District Magistrate, Nawada.

4. Sri Satish Chandra Jha, District Panchayat Officer, Nawada.

5. Sri Dinesh Kumar, the District Accounts Officer, Nawada.

6. Sri Brajesh Kumar Mishra, the Block Development Officer, Rajauli District-Nawada.



7. Sri Bindu Kumar, the Block Development Officer, Kauwakol, District-Nawada.
8. Sri Ranjeet Kumar Verma, the Block Development Officer, Hisua, District-Nawada.
9. Sri Sambhoo Choudhary, the Block Development Officer, Warsaliganj, District-Nawada.
10. Sri Prabhakar Singh, the Block Development Officer, Nawada, District-Nawada.
11. Dr. Anjani Kumar, the Block Development officer, Roh, District-Nawada.
12. Radha Raman Murari, the Block Development Officer, Akbarpur, District-Nawada.
13. Sri Kumod Ranjan, the Block Development Officer, Sirdala, District-Nawada.
14. Sri Deepak Kumar Kaushik, the Block Development Officer, Govindpur, District-Nawada.
15. Sri Ravi Ji, the Block Development Officer, Pakaribarawa, District-Nawada.
16. Sri Brajesh Kumar Deepak, the Block development Officer, Nardiganj, District-Nawada.
17. Sri Umesh Pd. Singh, the Block Development officer, Narhat, District-Nawada.
18. Sri Md. Zulfikar Adil the Block Development Officer, Kasichak, District-Nawada.

.... Respondent/s

Appearance :

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

For the Respondent/s : Mr. Dhirendra Kumar, - AAG 6

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-04-2018

Heard Mr. Jitendra Kumar Roy, learned counsel for the petitioner and Mr. Dhirendra Kumar, A.C. to AAG 6 for the State.

The writ petition was filed praying for direction to the District Magistrate, Nawada for consideration of the claim of the petitioner for grant of A.C.P./M.A.C.P. in terms of resolution of the Finance Department letter bearing memo No. 630 dated 21.1.2010 and in



support reliance was placed on the judgment of this court passed in the case of **Brajesh Kumar Versus the State of Bihar** arising from **C.W.J.C. No. 9451 of 2013**. This Court vide judgment and order passed on 3.3.2017 disposed of the writ petition with the direction to the District Magistrate, Nawada to consider the claim and dispose of the same within a period of 3 months of receipt/production of a copy of the order bearing in mind the judgment and order of this Court passed in the case of **Brijesh Kumar** (supra). On non compliance, the present contempt application is filed.

A show cause is filed on behalf of the District Magistrate on 14.3.2018 enclosing the proceedings of the Screening Committee presided by the District Magistrate, Nawada held on 26.2.2018 to consider the claim of the candidates for grant of A.C.P/M.A.C.P. and in reference to the remarks column Mr. Kumar learned State counsel informs that a decision has been taken and those who were found entitled have been granted the progression vide orders present at Annexure-F and G. The order does not satisfy Mr. Jitendra Kumar Roy as according to him, there should be a disposal by a formal order.

In my opinion the objection is only taken to be rejected for so long a proceeding of a Committee discloses its mind as to a grant or non grant of a progression, issuance of a formal order becomes only a completion of formality. The petitioner if so aggrieved would be at



liberty to question the opinion of the Screening Committee in an appropriate proceeding before the appropriate forum but no cause for contempt is made out. The contempt proceeding is accordingly dropped and the contempt application is disposed of

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2018
Transmission Date	NA

