

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.207 of 2014

In

Miscellaneous Jurisdiction Case No. 3938 of 2011

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1. Kailash Mandal, Son Of Sri Banbari Mandal, Resident Of Village- Kadhar, P.S.- Kauakole, District- Nawada
 2. Mahesh Kumar, Son Of Sri Rajendra Ram, Resident Of Village- Budhaul, P.S.- Nawada, District- Nawada
 3. Vijay Kumar, Son Of Sri Munshi Pandit, Resident Of Village- Chorbar, P.S.- Nawada, District- Nawada
 4. Ghanshyam Kumar, Son Of Sri Ram Ratan Singh, Resident Of Village- Fatehpur, P.S.- Akbarpur, District- Nawada
 5. Subodh Kumar, Son Of Sri Nresh Kumar, Resident Of Village- Kunaul, P.S.- Narhat, District- Nawada
 6. Vijay Kumar, Son Of Late Shiba Mahto, Resident Of Village- Kenar, P.S.- Nazirganj, District- Gaya
 7. Kishore Kumar, Son Of Late Mahabir Prasad Yadav, Resident Of Village- Mostanganj, P.S- Akbarpur, District- Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Deepak Kumar, Principal Secretary, General Administration Department, Government Of Bihar, Patna
3. Sri Lalan Jee, District Magistrate, Nawada
4. Sri Ramashwar Singh, Deputy Development Commissioner, Nawada
5. Sri Kumaril Satyanand, District Establishment, Dy Collector Cum Secretary, Employment Unit (IVth Grade), Nawada
6. Sri Binay Kumar Mandal, District Nazarat, Dy Collector, Nawada
7. Sri Shashi Shekhar Choudhary, Director, District Rural Development Authority, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.C. Jha

For the State : Mr. Shailendra Kumar, A.C. to P.A.A.G.-2

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

12 15-02-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The District Magistrate, Nawada is personally present in Court to explain the true situation.



It has been submitted that the list of candidates whose name had also figured in the 2002 and 2004 panel and had applied in the criteria under Clause 8 of the fresh advertisement, was sent forth for consideration of age relaxation to the Commissioner, Magadh Division, Gaya, but the Commissioner noting the undertaking given to this Court and that 2002 and also 2004 panel persons were not to be considered for being included in the panel as per the direction of this Court, has by means of a reasoned order and in the light of the Circulars and Rules rejected the case of the panelists of the year 2004. Thus, it is evident that due consideration has been made of the cases and the undertaking made to this Court has been duly considered and appropriate orders, in the light of the relevant rules, has been passed by the Committee and the order of the Court which was specific so far as the 2002 and 2004 panelists was taken note by the concerned functionary.

The opposite party, District Magistrate, has also clarified in the affidavit filed today that before the advent of Bihar Group 'Gh' (Appointment and Service Condition Rules, 2010), the appointments of Class IV were made in terms of executive instructions issued from time to time. Therefore, after the Resolution No. 2937 dated 31.00.2011, the State Government has



fixed the educational qualification for any future appointment on Class IV as Xth in the State of Bihar. Further, vide Memo dated 09.04.2015 of the District Establishment Committee, Nawada (Annexure-‘H/1’), the appointment process in terms of advertisement dated 29.11.2012 had been unanimously stopped following the detailed and reasoned order of the Commissioner dated 30.12.2014 relating to age relaxation sought to be given by the advertisement and in order to honour the undertaking given in the case, the case of the panelists of 2002 and 2004, the case for age relaxation was rejected.

After considering the entire facts and circumstances and the submissions made in the show-cause and the rejoinder filed to the reply to the show-cause by the District Magistrate, today, this Court is satisfied that no case for contempt is made out as the undertaking given to this Court has been well taken care of.

As such, the contempt application stands dismissed.

(Anjana Mishra, J)

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