

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.603 of 2017

IN

Civil Writ Jurisdiction Case No. 18803 of 2013

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1. Md. Allauddin S/o Md. Ramjan Mian Resident of Mohalla - Chhawanipar, Tekari, P.S. - Tekari, District - Gaya.

2. Mithlesh Kumar Singh S/o Sri Satyadeo Singh Resident of Village - Jagatyan, P.S. - Chapra, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Dharmendra Singh Gangwar, The Secretary, General Administration Department, Bihar, Patna.

3. Bhim Prasad, The Deputy Secretary, General Administration Department, Bihar, Patna.

4. Lian Kunga, The Commissioner, Magadh Division, Gaya.

5. Kumar Ravi, The District Magistrate, Gaya.

6. Vijay Ranjan, The Additional Collector (Land Acquisition), Gaya.

7. Dinesh Kumar, The Sub Divisional Magistrate, Tekari, Gaya.

8. Moti Lal Paswan, The Circle Officer, Konch, Tekari, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh

For the Respondent/s : Mr. PRABHAT KUMAR VERMA - AAG 3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-09-2018

Heard the parties.

This Court has passed the order in C.W.J.C. No. 18803 of 2013 dated 18.08.2016, the operative portion of the order is as follows:

“In such view of the matter, the Divisional Commissioner is directed to examine the case of the petitioners and record positive finding by passing the reason order. If the Commissioner arrives to a finding in favour of the petitioners then certainly the Commissioner directed to take action in terms of the paragraph 53 of



the judgment of the Hon'ble Supreme Court, Uma Devi case (supra). All the actions should be completed within four months from the date of receipt/production of a copy of this order. During the pendency if the petitioners are working, the authority will not take any action prejudicial to the interest of petitioners.

In pursuance of the said order, the Divisional Commissioner, has called the records and passed the order dated 28.04.2017 in which the Divisional Commissioner has found that both the petitioners qualified the conditions mentioned in paragraph – 53 of the case of ***Secretary, State of Karnataka Vs. Uma Devi 3 and other***, reported in ***(2006) 4 SCC1*** , whereafter the District Magistrate, Gaya approached the Commissioner to review his earlier order and thereafter the Commissioner has changed the earlier order and recorded that the conditions mentioned in paragraph – 53 of the case of Uma Devi (Supra) are not fulfilled by the petitioners.

It does not stand to reason to this Court that earlier Divisional Commissioner has found that the petitioners have worked since October, 1997 to June 2002 and they qualify the condition of Uma Devi case (supra) subsequent recorded that they do not qualify the conditions mentioned in paragraph-53 of the case of Uma Devi (Supra).

As this Court cannot pass effective order in this proceeding, but



it is high time to mention that Government of Bihar has framed the litigation policy in order to reduce the dock of the Court but the manner the officers are behaving and passing an order it only gives inference to increase load of the Court.

This Court is not quashing the order of the Divisional Commissioner, but disposing of the matter with a liberty to the petitioner to take legal action in accordance with law.

With the aforesaid observations and directions, this contempt petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
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