

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.208 of 2014

In

Civil Writ Jurisdiction Case No.860 of 2013

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1. Nageshwar Mahto, Son of Late Kewal Mahto, resident of village- Sahiyar Burj, P.O. & P.S.- Rosera, District- Samastipur, At Present Posted And Working An an Assistant Teacher in Govt. Upgraded Middle School, Bhatoter, Anchal- Rosera, District- Samastipur.
 2. Ajay Kumar Singh, Son of Shri Kamleshwari Prasad Singh, resident of village & P.O.- Ujan, P.S.- Bithan, District- Samastipur, At Present Posted And Working An an Assistant Teacher in Govt. Upgraded Middle School, Hanuman Nagar, Anchal- Rosera, District- Samastipur.
 3. Upendra Thakur, Son of Late Ram Sewak Thakur, resident of village & P.O.- Mahathi, P.S.- Rosera, District- Samastipur, At Present Posted And Working An an Assistant Teacher in Govt. Middle School, Pachgama, Anchal- Rosera, District- Samastipur.
 4. Vijay Kumar, Son of Shri Ramdeo Mahto, resident of village- Jarahi, P.O.& P.S.- Rosera, District- Samastipur, At Present Posted And Working An an Assistant Teacher in Govt. Primary School, Panchupur, Anchal- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Amarjeet Sinha, the Principal Secretary, Education Department, Government Of Bihar, Patna.
3. Sri Chitranjan Singh, The Director Primary Education, Bihar, Patna.
4. Sri Navin Kumar Jha, The District Magistrate, Samastipur.
5. Sri Rameshwar Sharma, The Deputy Development Commissioner-Cum-Chairman, District Education Establishment Committee, Samastipur.
6. Sri Krishna Kumar Sharma, The Regional Deputy Director Of Education, Darbhanga Division, Darbhanga.
7. Sri Jai Chand Shrivastava, The District Education Officer, Samastipur.
8. Sri Awadhesh Prasad Singh, The District Programme Officer (Establishment), Samastipur.
9. Sri Dhanjay Kumar, The District Treasury Officer, Samastipur.
10. Sri Ram Pravesh Yadav, The District Accounts Officer, Samastipur.
11. Sri Basanti Mishra, The Block Education Officer, Rosera, District- Samastipur.
12. Sri Basanti Mishra, All The Headmasters-Cum-Drawing And Disbursing Officer Of The Petitioner'S School District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER



11 10-01-2018 *Inter alia* contending that an order passed on 07.03.2013 in Civil Writ Jurisdiction Case No.860 of 2013 has not been complied with, this application for initiating action for contempt has been filed.

Petitioners were appointed as elementary teachers in the year 1994 on matric untrained scale as the petitioners and others did not possess appropriate training certificate. The writ petition in question was filed seeking quashment of a resolution bearing No.591 dated 08.09.2012, wherein direction was issued by the Director, Primary Education to the effect that the teachers possessing the teachers training certificate in the second attempt will be entitled to matric trained pay scale from the date they appear in that examination. The resolution was challenged and the writ petition was disposed of in terms of an order passed on 31.01.2013 in CWJC No.13734 of 2012 (Kr. Rajesh Pandey v. State of Bihar).

Now, from the show cause filed by the State Government, it is clear that against the order passed in CWJC No.13734 of 2012 and various other cases, Letters Patent Appeals were filed and in LPA Nos.1459 of 2013, 1682 of 2013 and various other connected matters, a detailed order was passed by the Division Bench on 03.01.2014 and the order passed in CWJC No.13734



of 2012 was set aside and the writ petition remitted back for fresh consideration to the learned Single Judge in view of the earlier order passed and the LPA was allowed. Thereafter, from the counter affidavit filed, it is seen that a fresh resolution, Annexure-B dated 05.01.2015, has been passed.

In view of these circumstances, now it is not appropriate to seek enforcement of the order passed on 07.03.2013 in CWJC No.860 of 2013 when the basis for passing of the said order, i.e. order passed on 31.01.2013 in CWJC No. 13734 of 2012, stands set aside in LPA No.1682 of 2013 and other cases.

Accordingly, granting liberty to the petitioner to ventilate their grievances in accordance to law, I find it is not a fit case for initiating action for contempt in view of the development that has taken place after 07.03.2013. The application, therefore, stands disposed of.

(Rajendra Menon, CJ)

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