

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3889 of 2014

In

Civil Writ Jurisdiction Case No. 14351 of 2010

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1. Gauri Shankar Yadava, Son of Late Ramawatar Yadava, resident of Village: Benipur, P.S. & P.O: Parsauni, District: Sitamarhi.
 2. Srichan Ram, Son of Sri Raghunath Ram, resident of Village: Rampur Parori (East), Police Station, Post Office & District: Sitamarhi.
 3. Most. Meena Devi, wife of Late Vishwanath Prasad and D/o Late Mishri Lal Sah, resident of Mohalla/Village: Arya Samaj Sangh Gurukul Road, Police Station & Post Office: Bairgania, District: Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar through Shri Anjani Kumar Singh the Chief Secretary, Old Secretariat, Bihar, Patna.
2. Shri/ Dr. Dharmeshwar Singh Yarywar the Secretary, Personnel (Karmik) and Administrative Reforms Department, Bihar, Patna.
3. Sri Arun Kumar Singh the Commissioner-cum- Secretary, Water Resources Department, Bihar, Patna.
4. Sri Mihir Kumar Singh the Secretary, Minor Irrigation Department, Bihar, Patna.
5. Sri Narendra Kumar, the Superintending Engineer, Minor Irrigation, Muzaffarpur.
6. Sri Nandeshwar Lal, the Commissioner Tirhut Division, Muzaffarpur.
7. Dr., Pratima, the District Magistrate, Sitamarhi.
8. Si Hari Shankar Ram, the Incharge Deputy Development Commissioner, Sitamarhi.
9. Sri Banwari Singh, the Executive Engineer, Tube-well Drilling Sitamarhi.
10. Sri Sanjeev Kumar, the Sub. Divisional Officer (S.D.O.), Sitamarhi.
11. Sri Hari Shankar Ram, the Nazarat Deputy Collector, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nikhil Kr. Agarwal, Advocate
Ms. Aditi Hansaria, Advocate
Ms. Deepika Sharma, Advocate
For the Respondent/s : Mr. Sanjay Pandey, Advocate
Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

16. 18-09-2018

Pursuant to the order dated 30.08.2018 passed

by this court, now the Collector, Sitamarhi has issued
appointment letter in favour of all these three petitioners but



at this stage it is found that petitioner no. 1 has already attained the age of superannuation, and therefore when he went to submit his joining, his joining could not be accepted.

So far as petitioner nos. 2 & 3 are concerned, they have been appointed and allowed to join.

Mr. Nikhil Kumar Agarwal, learned counsel representing the petitioners submits that in terms of the order of the learned writ court, the Collector, Sitamarhi was obliged to complete the process of appointment and to issue appointment letters positively within six months from the date of receipt/production of a copy of this order, but instead of complying with the order of the learned writ court, he remained sitting over the matter and at different occasions took different stand to delay the process of appointment.

Attention of this court has been drawn towards the statement made in paragraph 9 to 13 of the show cause filed on behalf of the opposite party no. 7. On perusal whereof would show that in order to delay the appointment of these petitioners a plea was taken in the show cause that a writ application bearing CWJC No. 18571/2009 (*Pradymn Sah and another Vs. State of Bihar and others*) was pending before this court and during pendency of the said case he



was not taking decision.

Learned counsel submits that so far as the present case is concerned there was no order of stay of the operation of the order of the learned writ court in the present case. The Collector, Sitamarhi in his own wisdom decided to sit over the matter and if his inaction has resulted in the present position where the petitioner no. 1 is being deprived of the fruits of the order of the learned writ court, a proceeding for contempt be initiated against the Collector, Sitamarhi.

On the other hand, learned counsel representing the State submits the fact that the petitioner no. 1 has attained the age of superannuation is a fate accomplish, and at this stage, instead of taking action in a contempt proceeding, it would only be just and proper for the petitioner no. 1 to approach the competent court in a competent jurisdiction to get the reliefs flowing from inaction of the Collector, Sitamarhi.

Having heard learned counsel for the parties, this court is of the considered opinion that in a contempt proceeding the reliefs like monetary benefits or other consequential benefits by taking petitioner no. 1 in



employment by deeming fiction cannot be extended. It is for the petitioner no. 1 to move in an appropriate jurisdiction seeking such reliefs for which he may be entitled to due to inaction on the part of the Collector, Sitamarhi.

This court finds that the order of this court has been substantially complied with at this stage, therefore the court is not willing to proceeding further in the contempt application but the inaction on the part of the Collector, Sitamarhi is apparent on the face of the record and this must be recorded by this court. The petitioner no. 1 shall be at liberty to move ahead in an appropriate jurisdiction.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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