

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.677 of 2018

In

Civil Writ Jurisdiction Case No. 5747 of 2011

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1.Shivendra Kumar Satyarthi, S/o Late Muneshwar Mishra @ Muneshwar Sharma, R/o – Village Janipur, P.S – Nanpur, District – Sitamarhi.

2.Ram Chandra Mandal, S/O Sri. Ram Shankar Mandal, R/o Village Janipur, P.S. Nanpur, District – Sitamarhi.

.... Petitioner/s

Versus

1.The State of Bihar.

2.Mr. Rajeev Raushan, District Magistrate-cum-Collector, Sitamarhi.

3.Mr. Dineshwar Yadav, District Education Officer (Establishment) Sitamarhi.

4.Sri. Pradeed Kumar, Block Development Officer, Nanpur, Sitamarhi.

5.Sri. Lakshmi Singh, Block Education Extension Officer, Nanpur, Sitamarhi.

6.Sri. Surendra Baitha, Panchayat Secretary, Gram Panchayat Raj Janipur, Block – Nanpur, District – Sitamarhi.

7.Sri. Akhilesh Kumar, Mukhiya Gram Panchayat Raj Janipur, Block – Nanpur, District – Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Adv.

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 25-09-2018 Learned counsel for the petitioners submits that in the light of the direction of the learned writ Court as contained in the order dated 18.01.2012 passed in C.W.J.C. No. 5747 of 2011, the Opposite Parties are obliged to pay the back wages of the petitioners for the period 01.04.2009 to 30.06.2015 in respect of petitioner no. 2 and for the period 01.03.2008 to 14.03.2014 in respect of petitioner no. 1.

A perusal of the order passed by the learned writ Court



does not show any mandamus in favour of the petitioners as regards payment of back wages, in fact, the order of the learned writ Court was on that aspects of the matter. It also appears that the subsequent contempt application being M.J.C. No. 1611 of 2012 filed by these petitioners were disposed off by a learned Coordinate Bench of this Court taking note of the stand taken in the show cause along with the consequential orders which were brought to the notice of the learned writ Court.

This Court is of the considered opinion that in absence of a mandamus in favour of the petitioners for payment of back wages, this contempt application cannot lie and it cannot proceed.

This application is dismissed.

The petitioners may, if so advised, may seek their remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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