

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.92 of 2018

In
Civil Writ Jurisdiction Case No.6404 of 2010

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Manoj Kumar, Son of late Raj Kishore Singh, Resident of Village- Pokharpur,
P.O. Pawapuri, Police Station- Giriyak, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shri Sudhir Kumar, the Principal Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
3. Dr. M.S. Tayag Ranjan, the District Magistrate, Nalanda at Biharsharif.
4. Mr. Kundan Kumar, the Deputy Development Commissioner, Nalanda at
Biharsharif.
5. Mr. Shailendra Kumar, District Panchayati Raj Officer, Nalanda at
Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate
For the Respondent/s : Mr. Pushkar Narayan Shahi - AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 14-03-2018 In Civil Writ Jurisdiction Case No. 6404 of 2010 which is still pending, an interim order of stay was granted by this Court on 16.07.2010 and appointment to the post of Panchayat Sevak was stayed. Certain persons, including the present petitioner, filed an intervention application and pointed out that in the writ petition only one petitioner Yogendra Sharma was claiming appointment. There were eight posts and, therefore, staying the appointment to all the eight posts was not feasible, at least permission should be granted to the State Government for filling up seven posts and stay should be passed to one post for which the original petitioner of the writ petition was making his claim.



Keeping in view the aforesaid, the order of stay granted on 16.07.2010 was modified and the State Government was granted permission to fill up the remaining seven posts keeping one post in general category vacant.

Now it is the grievance of the petitioner in this petition that he was one of the interveners and appointment has not been granted to him. However, today, the respondents have filed a show cause and they point out that after examining the issue in question, respondents have appointed six persons, namely Anil Kumar, Ajit Sharma, Nawal Kishore Prasad, Birendra Prasad, Upendra Kumar Singh and Bechan Prasad and with regard to one person, namely Ramjanam Paswan, the matter has been referred to the Staff Selection Commission for his appointment. As far as the present petitioner Manoj Kumar is concerned, it is found that he was at Roster Point No. 323 and it has been decided that he is not eligible for appointment.

Keeping in view the aforesaid show cause filed, now at the instance of the petitioner Manoj Kumar, in this contempt application, no indulgence can be made. There is no direction issued to appoint Manoj Kumar, the present petitioner. The only direction was that seven posts which are lying vacant should be filled up and if the respondents have filled up seven posts as



indicated in the show cause merely because the present petitioner, who was intervener in the writ petition, and in whose favour there is no positive direction to appoint him, no indulgence can be made in the present application. If the petitioner feels that while filling up seven posts, his candidature has not been considered properly, it gives a fresh cause of action to challenge the appointment, but not a case for initiating action for contempt.

Accordingly, satisfied with the show cause filed, this application stands disposed of.

(Rajendra Menon, CJ)

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