

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2646 of 2017

In

Civil Writ Jurisdiction Case No. 141 of 2017

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Nirupma Devi, Wife of Awadhesh Kumar Thakur, resident of West of
C.K.M. Law College, Ward No. 10, P.S. Araria, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, namely Mr. Anjani Kumar Singh, State of Bihar, Patna.
2. Mr. T.N. Bindeshwari, the Commissioner, Purnea Division, Purnea.
3. Mr. Himanshu Sharma, the District Magistrate, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Respondent/s : Mr. P. K. Verma, AAG- 3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

6 30-04-2018 Heard the parties.

The writ petition was disposed of with a direction to the District Magistrate, Araria to consider the case of the petitioner for regularization against a Class IV post and dispose of the same by a speaking order. On failure of the District Magistrate, Araria to ensure compliance that the contempt application is filed.

A show cause has been filed on behalf of the opposite party no.3 i.e. the District Magistrate, Araria enclosing an order passed on 3.4.2018, whereby the claim of the petitioner for regularization has been rejected.

According to the learned counsel for the petitioner, the



relevant facts have not been considered to reject the representation but then the forum to question the illegality of the order would lie in a separate proceeding and not in contempt proceeding. The petitioner, if so advised, can question the order passed by the District Magistrate, Araria bearing Memo No.180 dated 3.4.2018 in an appropriate proceeding before an appropriate forum but in the circumstances noted no reason is made out to continue with the contempt application which is accordingly disposed of with the liberty aforementioned.

(Jyoti Saran, J)

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