

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3824 of 2017

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Om Prakash Upadhyay, son of Sri Kritya Nand Upadhyay, Resident of
Village- Bajani, P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Adash Titermare, the District Magistrate, Bhagalpur.
3. Mr. Phulbabu Choudhary, the District Public Education Officer,
Bhagalpur.
4. Mr. Binodanand Jha, the Director, Mass Education, Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Kumar Jain, Advocate
For the State : A.C. to AAG-15

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 10-10-2018 Heard learned counsel for the petitioner and the
learned counsel for the State.

After hearing the parties and on consideration of the
show cause filed by the State of Bihar, this Court is of the
opinion that the petitioner, Om Prakash Upadhyay, whose date of
birth as submitted by him is 06.01.1956, had attained the age of
superannuation on the date the order was passed by the Apex
Court.

In view of such circumstances, the petitioner was
not eligible for appointment and, therefore, even if the
appointment letter was issued, the same was under mistake of
fact. As such, this Court finds that there has been no wilful



disobedience of the order of this Court, even not permitting the petitioner to join.

The contempt application thus stands dismissed.

(Anjana Mishra, J)

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