

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1279 of 2018

In
Civil Writ Jurisdiction Case No.67 of 2017

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Chandan Kumar, S/o Late Kaper Chand Yadav, Resident of village- Baijnath Patti, Post- Simraha, P.S.+District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna, Sri Anjani Kumar Singh.
2. The Principal Secretary, Rural Development, Bihar Patna, Sri Navdeo Sukla.
3. The Commissioner, Kosi Division, Saharsa, Sri Bindeshwari.
4. The Collector at Saharsa Sri Binod Singh Gujiyal.
5. The Deputy Development Commissioner, D.R.D.A., Saharsa Sri Rajesh Kumar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mallika Mazumdar, Adv.
For the Opposite Party/s : Mr. Deepak Sahay Jamuar, AC to AAG-4.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 24-04-2019

Heard Ms. Mallika Mazumdar, learned counsel appearing for the petitioner and Mr. Deepak Sahay Jamuar, learned Assisting Counsel to Additional Advocate General No.4 for the State.

The matter relates to compassionate appointment of a dependent of a deceased employee of the District Rural Development Authority, Saharsa (hereinafter referred to as 'the DRDA').

This Court taking note of the opinion expressed by a Division Bench of this Court since reported in **2012 (1) PLJR 587 (Bimla Tiwary vs. The State of Bihar)** issued directions to the Deputy Development Commissioner, DRDA, Saharsa to examine



the claim for compassionate appointment in the light of position settled and pass appropriate orders.

The claim has been disposed of by the Deputy Development Commissioner, DRDA, Saharsa vide order dated 27.02.2018, a copy of which is at Annexure 'A' to the show cause and in which while taking notes of a subsequent opinion of the Division Bench of this Court in LPA No.1199 of 2014 the claim has not been found sustainable and thus rejected.

Ms. Mazumdar, learned counsel appearing for the petitioner informs that there is yet another judgment of this Court since passed in **LPA No. 2082 of 2015 (State of Bihar Vs Anirudh Jha)** which upholds such claims of appointment in 'DRDA' but these are issues of adjudication and cannot be examined in a contempt jurisdiction.

The petitioner is at liberty to question the order dated 27.02.2018 passed by the Deputy Development Commissioner, Saharsa at Annexure 'A' before an appropriate forum by filing an appropriate application but no case for contempt is made out in view of the discussion in the order.

With the above liberty the contempt application is disposed of.

(Jyoti Saran, J)

Anjula/skpathak

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	27.04.2019
Transmission Date	NA

