

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6546 of 2015

Deepak Kumar S/o Late Ramesh Chandra Sharma, Vill.- Bihta, P.O.-Alipur
Bihta, Via-Khusrupur, P.S. Bakhtiarpur, District-Patna. ... Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Patna.
4. The Secretary, Bihar Public Service Commission, Patna.
5. The Principal Secretary, Road Construction Department, Government of Jharkhand, Ranchi.

... Respondents

Appearance :

For the Petitioner	:	Mr. Prabhat Ranjan, Advocate
For the State	:	Mr. Ranjan Kumar, AC to GA 12
For the Jharkhand State	:	Mr. Arup Kr. Chongdar, Advocate
For the Commission	:	Mr. Sanjay Pandey, Advocate
		Mr. V.A. Amritesh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-04-2019 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

On account of certain judicial pronouncement the petitioner claims that a right is vested in the petitioner for adding five marks which were earlier deducted on account of the petitioner having B.Tec. Degree from the Indian Institute of Technology, Delhi. Marks have been deducted in the course of conversion of Cumulative Grade Point Average (CGPA).

Claiming parity with others in whose case marks were added and accordingly weightage was given, the petitioner approached this Court by filing writ petition. The writ petition



bearing C.W.J.C.No. 10988 of 2012 was disposed of on 30.7.2012 with a direction to the concerned authority to examine the petitioner's claim for parity and consider the same.

In spite of order of this Court dated 30.7.2012 passed in C.W.J.C.No. 10988 of 2012 the respondent Commission has refused to consider petitioner's claim by taking stand that the issue was to be decided by the administrative department of the petitioner in the instant proceedings.

Counter affidavit has been filed by respondent State wherein the department has taken stand that it was for the Commission to take a decision in this respect.

In view of the circumstances arising from the pleadings on record the petitioner's counsel submits that the action of the respondent authorities in not considering the claim of the petitioner would constitute a contempt of order passed in C.W.J.C.No.10988 of 2012. He submits that MJC No. 327 of 2019 has also been filed for initiating the contempt proceeding for non-compliance of the direction passed in C.W.J.C.No. 10988 of 2012.

In view of the said development during the pendency of the writ petition, this Court would observe that since the issue of non compliance of the Court's order dated 30.07.2012 is to be



decided in the contempt proceeding, no further order needs to be passed.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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