

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7210 of 2015

1. Shayamanand Rai and Anr S/o Sri Tarni Rai R/o Village Mallikpur, P.S. Kadwa Balia Belone, District Katihar.
2. Subodh Kumar Tatma S/o Late Bhola Tatma Resident of Village Shishiya, P.O. Barari, P.S. Barari, District Katihar.

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary Department of Home (Police) Govt. of Bihar, Patna
2. The Principal Secretary, Department of Home Police, Bihar, Patna.
3. The Special Secretary, Government of Bihar, Patna.
4. The Deputy Secretary, Government of Bihar, Patna.
5. The District Magistrate cum Collector, Katihar.
6. The Deputy Collector in Charge, Katihar.
7. The Anchal Adhikari, Kadwa Anchal, District Katihar.
8. The Superintendent of Police, District Katihar.
9. The Officer in Charge of Balia Belone Police Station, District Katihar.
10. The Officer in Charge of Barari Police Station, District Katihar.
11. Anchal Adhikari, Barari Anchal, District Katihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad
For the Respondent/s : Mr. Prashant Kumar, AC to Sc 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2019 Heard learned Counsel for the petitioners and the
learned Counsel for the respondent State.

Learned Counsel for the petitioners submits that they
had filed a representation on 12.4.2013 seeking compliance of
the order of the Writ Court dated 21.1.2013 passed on the
petitioner's earlier writ petition bearing CWJC No. 14261 of
2012.



Relevant portion of the order dated 21.1.2013 is being reproduced:-

“If, however, the District Collector would find any difficulty in initiating such steps for filling up of the post of Chaukidar, either on account of some subsequent Government direction or any order of this Court or the Apex Court, he would briefly indicate his reasons for not doing so, when the petitioners would approach him by filing a representation for this purpose. This exercise, however, must be also completed within the same time limit of six months from the date of receipt of the representation by the petitioners confined to filling up of the vacant post of Chaukidar in terms of the Cadre Rules, 2006.

With the aforementioned observation and direction, this application is disposed of.”

In spite of such specific order the Collector while disposing of the petitioners’ representation has not assigned any reason as regards the fresh process of appointment to the post of Chaukidar in compliance of the order dated 21.1.2013. The direction was already there in the order of the Writ Court on the earlier writ proceedings at the petitioners’ instance. Successive writ proceedings in the facts and circumstances for the same direction cannot be filed. If the order passed in the earlier proceedings have not been complied with at best the same may constitute a cause for contempt which may be considered in an appropriate proceedings.



In view of the aforesaid position, this writ petition is dismissed. The petitioner would be at liberty to approach the appropriate jurisdiction.

(Madhuresh Prasad, J)

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