

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1387 of 2018

In
Civil Writ Jurisdiction Case No.3207 of 2017

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1. Balaram Prasad , son of Ram Swarup Prasad, resident of village Ganichak, P.S. Asthawan, District Nalanda
 2. Gautam Mahto, son of late Bhagwan Mahto, resident of village + P.O. Cheful, P.S. Manjhi, District Chapra (Saran)
 3. Rajendra Prasad Yadav, son of late Badh Prasad, resident of Badgaon (Tola Khida Bigha), P.S. Sirdala, District Nawada
 4. Shiv Nandan Sah, son of late Yugal Sah, resident of village Salkhua, P.O. Deepnagar, District Nalanda
 5. Jai Prakash Sinha, son of Narayan Mahto, resident of village Korai, P.S. Deepnagar, District Nalanda
 6. Sona Dhari Sing, son of late Shivjanm Singh, resident of village + P.O. Jogta, P.S. Chandi, District Bhojpur (Ara)
 7. Sarju Rajvanshi son of late Pati Rajvanshi, resident of village Raja Devar, P.S. Akbarpur, District Nalanda
 8. Brijnandan Yadav, son of late Prayag Yadav, resident of village Kalaunda, P.S. Akbarpur, District Nawada
 9. Gobind Pathak, son of late Sudharak Pathak, resident of village Bishnupur, P.S. Badhara, District Bhojpur

... .. Petitioners

Versus

1. The State Of Bihar Through Sh. Anjani Kumar Singh, The Chief Secretary, Government Of Bihar, Patna
2. Sh. Vinay Kumar, the Secretary, Rural Works Department, Govt. of Bihar, Patna
3. Sh. Jitendra Prasad, Divisional Commissioner, Magadh Division, Gaya
4. Sh. Kaushal Kumar, the Collector, Nawada
5. Sh. Subhash Chandra, Engineer in Chief cum Addl. Secretary, Rural Works Department No.1, Govt. of Bihar, Patna
6. Sh. Subhash Chandra, the Chief Engineer, Rural Works Department No.1, Govt. of Bihar, Patna
7. Md. Shahid Alam, the Incharge Superintending Engineer, Rural Works Department, Work Circle, Gaya
8. Md. Shahid Alam, The Executive Engineer, Rural Works Department, Works Division, Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 15-05-2019 The petitioners prayed for a direction to the

respondent authorities particularly the Collector, Nawada to



regularize/ absorb their services against the vacant Class IV sanctioned post.

The writ petition was taken up for consideration on 16.11.2017 and it is bearing note of the relief claimed which required a consideration of such relief by the authorities concerned particularly the Collector, Nawada that this Court disposed of the writ petition allowing the Collector, Nawada to examine the grievance and pass appropriate orders within a period of three months of the receipt/ production of a copy of the order.

The writ petition was disposed on 16.11.2017 and a representation to such effect was filed on 11.12.2017. Since no response was forthcoming that the petitioners filed this contempt application in April, 2018 and when taken up today, Mr. Kumar Ravish, learned AC to GA-1 in reference to the show cause filed in the present proceedings informs that much prior to disposal of the writ petition a Committee chaired by the District Magistrate, Nawada considered the claim of the petitioners alongwith others on the recommendation made by the Superintending Engineer made through his letter no. 1432 dated 19.9.2015 which was foundation for the writ petitioners to maintain the writ petition and was referred to by this Court for



requiring disposal by the District Magistrate. It is submitted that the case of the petitioners on consideration has not been found to be in tune with the legal position settled by the Supreme Court in the case of **Secretary, State of Karnataka & ors. vs. Uma Devi**, reported in (2006)4 SCC 1 and consequently their claim for absorption/ appointment has been rejected.

Obviously since the writ petition was disposed of on the day it was taken up for consideration, this fact could not be placed on record because no counter affidavit was invited but nonetheless since the foundation on which the writ petition lay i.e. the recommendation present in the letter dated 19.9.2015 of the Superintending Engineer has not found favour with the Committee, for the present I would allow the petitioners to question the decision of the Committee as contained in the resolution dated 9.5.2017 placed at Annexure 'A' to the show cause by filing an appropriate application before the appropriate forum.

The contempt application is disposed of with the observations above.

(Jyoti Saran, J)

Surendra/-

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