

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4037 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 1807 of 2014

1. Suresh Singh, Son of Late Jamuna Singh Resident of Village and P.O. Math Lohiyar, P.S. Harshidhi, District East Champaran.
2. Punyadeo Ram, Son of Ramadhar Ram Resident of Village and P.O. Math Lohiyar, P.S. Harshidhi, District East Champaran.
3. Mahesh Prasad Choudhary, Son of Shri Kariman Choudhary Resident of Village Barkurwa, P.O. Barharwakala, P.S. Kotwa, District East Champaran.
4. Yogendra Ram, Son of Late Phaguni Ram Resident of Village Matiyaria, P.O. Makhua, P.S. Harsidhi, District East Champaran.
5. Shobha Ram, Son of Late Bhadaï Ram, Resident of Village Matiyaria, P.O. Mkhua, P.S. Harsidhi, District East Champaran.
6. Akhilesh Pandey, Son of Late Sudama Pandey, Resident of Village Shishwa Mauze, P.O. Shishwa Bazar, P.S. Paharpur, District East Champaran.
7. Pitamber Prasad, Son of Shri Prema Prasad, Resident of Village Pakariya, P.O. and P.S. Harshidhi, District East Champaran.
8. Prem Shankar Prasad Sinha, Son of Ram Baran Prasad Sinha, Resident of Village and P.O. Karsahian, P.S. Dhaka, District East Champaran.
9. Narad Shukla, Son of Late Adya Shukla, Resident of Village Ujjain Lohiyar P.O. Goyaghat Bazar, P.S. Harshidhi, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Anjani Kumar Singh, the Chief Secretary, Bihar, Patna.
2. Dr. Dharmendra Singh Gangwar, the Secretary Department of Personnel and Administrative Reforms, Bihar, Patna.
3. Sri Atul Prasad, the Commissioner Tirhut Division, Muzaffarpur.
4. Sri Jitendra Srivastava, the District Magistrate, East Champaran.
5. Anil Kumar Choudhary, the Deputy Development Commissioner East Champaran.
6. Satyendra Kumar Mishra, the Deputy Collector District Nazarat East Champaran.
7. Madhusudhan Prasad, the Deputy Collector, Establishment East Champaran.

... .. Opposite Party/s



Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the State : Mr. Amit Prakash, G.A. 13
Mr. Sanjay Kumar, AC to GA 13

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-07-2019

Heard learned counsel for the petitioners and learned
GA 13 for the State.

2. The petitioners have moved the Court alleging willful
and deliberate violation of the order dated 25.03.2014 passed in
CWJC No. 1807 of 2014.

3. The writ petition was disposed off in the following
terms:

“Hence, with the agreement of the parties, this writ application is disposed of with a direction to the Collector, East Champaran at Motihari to see to it that the steps initiated by issuing advertisement, pursuant to the order of the Commissioner, as contained in Annexure-8, passed in the light of the earlier orders of this Court is completed and appointments on all available vacancies are made from the panel prepared/revised in the process positively within six months from the date of receipt/production of a copy of this order.

In view of the fact that this advertisement has been published after 2002, the respondents shall consider age relaxation of the applicants eligible for appointment in accordance with law.”



4. From the pleadings on record, including the 5th supplementary show cause filed on behalf of opposite parties no. 4 to 7, the Court finds that the authorities, in terms of the order of the Court, have prepared a panel and the persons so selected have been directed to join within 30 days of the issuance of the panel dated 26.06.2019.

5. Having considered the matter, the Court finds that though the order was required to be complied with within six months, but has taken quite sometime; however, taking into consideration the nature of the exercise, the Court does not find that there is any deliberate or willful violation of the order. Thus, now, when the order has been complied with, the Court is not persuaded to proceed in the matter relating to alleged contempt, only on the ground that the time fixed for completing the exercise had exceeded.

6. Accordingly, the application stands disposed off.

7. In view of the stand taken by learned counsel for the petitioners that even the present exercise is erroneous, inasmuch as, the petitioners and others who had more man days compared to the persons who have been finally selected, inasmuch as, persons having lesser man days than the petitioners have found place in the panel and have been appointed and the petitioners have been



left out arbitrarily; the Court would only observe that it shall be open to the petitioners to assail the panel made in the present case dated 26.06.2019, before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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