

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1229 of 2017

In
Civil Writ Jurisdiction Case No.8037 of 2015

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Sudama Paswan Son of Late Ram Iqbal Ram, resident of village - Harpur,
P.O. Chandi, P.S. Charpokhri, District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Chief Secretary , Old Secretariat, Patna and Ors
2. The Principal Secretary, Primary Education, Human Resource Development Department, Government of Bihar, Patna
3. The Director of Education, Bihar, Patna
4. The District Magistrate, Bhojpur at Ara
5. The District Panchayat Raj Padadhikari, Bhojpur at Ara
6. The A.D.M. Garhani, Bhojpur at Ara
7. The Superintendent of District Education, Bhojpur at Ara
8. The Block Development Officer, Garhani, Bhojpur at Ara
9. The District Education Officer, Bhojpur at Ara
10. The Block Education Extension Officer, Garhani, Bhojpur at Ara
11. The Panchayat Secretary, Gram Panchayat Harpur, P.S. Charpokhri, Bhojpur at Ara
12. The Deputy Development Commissioner, Bhojpur At Ara

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey - Aag 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-12-2019

The petitioner has prayed for the following relief:

“For punishing the opposite parties for committing willful contempt of this Court’s order dated 12.05.2016 and further oral orders passed in CWJC No. 8037 of 2015 passed by



the Division Bench of this Court by which their Lordships observed that as many as 12 appointments have been made on only 8 sanctioned posts of Panchayat Teachers in Harpur Gram Panchayat, District- Bhojpur and directed the State to file a counter affidavit bringing on record the entire aspect of the matter so that necessary effective orders may be passed in the aforesaid application and further directed the State Government to act in accordance with law and personal appearance of Principal Secretary, Primary Education, Human Resources Development Department, Government of Bihar, Patna but in collusion with each other no action so far has been taken by the State Government and the concerned officials regarding the scam of appointing as many as 16 Panchayat Teachers on 8 sanctioned posts in Gram Panchayat, Harpur, District-Bhojpur.”

The operative portion of the order reads as under:

“By making this writ petition under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioner has brought to the notice of this Court that as against the 8 sanctioned posts of Panchayat Teachers in Harpur Gram Panchayat, as many as 12 appointments have been made.

Though the private respondents, who have been appointed, have filed their counter affidavit, the counter affidavit fails to explain



as to how and when the selection and appointment of 12 persons, as against 8 posts, were made.

Appearing on behalf of State Government, Mr D K Sinha, learned Additional Advocate General No II, has submitted that though the comments were asked for from respondent No 11, namely, Panchayat Secretary, no response has been given and necessary disciplinary action will be initiated against him. At any rate, according to the learned Additional Advocate General No II, appearing for the State respondents, the State Government will file necessary counter affidavit bringing on record entire aspect of the matter so that necessary effective orders may be passed in this Public Interest Litigation.

In view of the above and in the interest of justice, we direct that this Public Interest Litigation be listed, on 18.05.2016, under the present heading, and in the meanwhile, the State Government will act in accordance with law.

List this Public Interest Litigation, on 18.05.2016, under the present heading.

On the next date, respondent No 2, namely, Principal Secretary, Primary Education, Human Resources Development Department, Government of Bihar, Patna, shall appear, in person, alongwith all relevant records.”

Despite repeated calls, none has appeared on behalf of



the petitioner.

Learned counsel for the opposite parties states that the order dated 12.05.2016 passed in CWJC No. 8037 of 2015, titled as **Sudama Paswan vs. The State of Bihar & Ors.**, stands complied with.

As such, the present petition is disposed of with liberty to the petitioner to take recourse to such remedies before the appropriate forum as are otherwise available in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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