

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3508 of 2017

In
Civil Writ Jurisdiction Case No.1055 of 2016

=====

Anil Kumar Verma son of Krishnachand Prasad, resident of village -
Hasanpur Gurda, P.S. - Mahnar, Dist. - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar and ors
2. Anajani Kumar Singh, the Chief Secretary, Government of Bihar.
3. Amir Subhani, the Principal Secretary, Department of Personnel and
Administrative Reforms, Secretariat, Patna.
4. H.R. Srinivash, the Commissioner, Muzaffarpur.
5. Smt. Rachna Patil, the Collector, Vaishali.
6. Sri Sarvnarain Yadav, the Deputy Development Commissioner, Vaishali.
7. Rabindra Kumar, the Sub-Divisional Officer, Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumar Alok, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Ghosarvey, AC to AAG-3.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date : 30-01-2019

By the order passed on the writ petition, the District
Magistrate, Vaishali was directed to consider the case of the
petitioner for regularisation and dispose of the same in accordance
with law. It is because the grievance was not disposed of that this
contempt application was filed.

A show cause was filed initially relying upon an order passed
by this Court in CWJC No.14834 of 2012 (Mahesh Prasad Singh &
Ors Vs The State of Bihar) which judgment was affirmed in LPA
No.1668 of 2013. It was informed that on age grounds, the petitioner
was ineligible for appointment. This Court by order dated 12.09.2018
reminded the District Magistrate of the stipulations present in the



resolution of the State Government dated 16.03.2006 for consideration of the objection so raised and whereafter a fresh order has been passed by the committee headed by the District Magistrate, Vaishali on 24.09.2018 again rejecting the claim of the petitioner for regularisation on his failure to possess the eligibility for such appointment.

In my opinion, in the nature of the order that was passed by this Court on the writ petition requiring the District Magistrate, Vaishali to consider the claim of the petitioner for regularisation, the claim having been rejected by the District Magistrate, the sustainability of the reasons assigned therefore may be a subject matter of challenge in an appropriate proceeding but no case for contempt is made out. The petitioner, if so advised, can challenge the order passed by the District Magistrate, Vaishali in an appropriate proceeding.

The contempt application is disposed of.

(Jyoti Saran, J)

Anjula/Skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2019
Transmission Date	NA

