IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2657 of 2017
In
Civil Writ Jurisdiction Case No.9107 of 2016

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Mahendra Sah, S/o Ram Prasad Sah, Resident of Village- Umgaon, P.S.- Harlakhi, District- Madhubani.

... ... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Namely Sri Anjani Kumar Singh, Old Secretariat, Patna.
2. The Principal Secretary, namely R.K. Mahajan, Department of Human Resource Development, Bihar.
3. The Principal Secretary, namely, Dharmendra Gangwar, Department of Personnel and Administration Reforms, Bihar, Patna.
4. The Director, namely, Ramchandra Tute, Primary Education, Bihar, Patna.
5. The Director, namely, Shri Vivekanand Jha, Mass Education, Department of Bihar, Patna.

... ... Opposite Parties

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Appearance :
For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Shashi Shekhar Tiwary, A.C. to AAG-15

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

10 10-04-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is raising a grievance that the judgment and order dated 07.08.2016 passed by this Court in C.W.J.C. No. 9107 of 2013 has not been complied with.

A show-cause has been filed, in which it has been averred that there are two essential qualifications for regularization; first the person must have performed three years

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continuous service under the scheme and second, the person must have approached this Court prior to 26.02.2016. The claim of the petitioner for regularization has been rejected on account of failure to produce the experience certificate of three years continuous service.

Learned counsel for the petitioner submits that the plea that has been taken by the authority for rejecting the claim of the petitioner is not sustainable as the petitioner has performed the duty of Non-Formal Instructor for more than three years.

These issues cannot be decided in the present proceeding as this Court is exercising the jurisdiction of contempt. The petitioner, if so advised, may challenge the order of the respondent authority, whereby his claim has been rejected.

Accordingly, this contempt petition is disposed of.

Ref:- Interlocutory Application No.01 of 2019.

This interlocutory application has been filed to grant exemption to deposit the cost of Rs.10,000/- which has been imposed on account of non-filing of show-cause.

From a perusal of the order dated 13.02.2019, it appears that in spite of two adjournments, the State has not filed

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show-cause within the prescribed period nor any satisfactory explanation has been offered for not filing the show-cause within the prescribed period. Hence, this Court is not inclined to modify the order dated 13.02.2019. Accordingly, this Interlocutory Application is rejected. Needless to say, the person concerned shall deposit the cost of Rs.10,000/-, as has been indicated in the order dated 13.02.2019, without unnecessary delay, otherwise, the same should be recovered from the salary of the person concerned.

(Shivaji Pandey, J)

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