

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4623 of 2018

In
Civil Writ Jurisdiction Case No.11426 of 2018

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Mamta Kumari Wife of Praveen Kumar Resident of Village and P.O.-
Jhunathi, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar Represented Through Sri R. K. Mahajan, Principal Secretary and Anr Department of Education, Bihar, Patna.
2. Sri Ram Roop Prasad the Deputy Development Commissioner-cum- Chief Executive Officer, Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakritita Sharma
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey Aag 15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 30-04-2019 As far as the order of this Court dated 5.9.2018 passed in C.W.J.C. No. 11426 of 2018 is concerned, the learned counsel appearing for the contemnors submits that the order dated 17.7.2017, passed by the appellate authority, Jehanabad, as communicated to the contemnors vide memo dated 26.7.2017, was received by the contemnors on 29.7.2017, but the vacancies had already stood filled up on 22.7.2017, hence, the order of the appellate authority dated 17.7.2017 could not have been carried out inasmuch as the said order itself stated that appointment of the petitioner is required to be made, subject to availability of any vacancy.

2. Per contra, the learned counsel for the petitioner submits



that on the date of the passing of the order by the appellate authority, Jehanabad i.e. 17.7.2017, admittedly, vacancy was existing and the respondents were attending the proceedings going on before the appellate authority, hence, they cannot take a plea that the order of the appellate authority was communicated to them vide memo dated 26.7.2017, which was received by them on 29.7.2017 resulting in the vacancy having already stood filled up on 22.7.2017.

3. Having regard to the rival contentions of the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to file a fresh writ petition for redressal of her grievances inasmuch this Court is satisfied that no further orders are required to be passed in the present contempt proceedings.

4. Accordingly, the contempt petition stands disposed of with the aforesaid liberty.

(Mohit Kumar Shah, J)

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