

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2778 of 2017

In
Civil Writ Jurisdiction Case No.17958 of 2014

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1. Ram Chandra Pandit, Son of Sri Mahadeo Pandit, Resident of Village/Mohalla-Sahpur, P.S.-Saharsa, District-Saharsa
 2. Hare Ram Yadav, Son of Late Achhe Lal Yadav, Resident of Village-Balaha, P.S.-Bangaon, District-Saharsa.
 3. Satya Narayan Yadav, Son of Late Lakshmi Prasad Yadav, Resident of Village-Laxminia, P.S.-Dihra, District-Saharsa.
 4. Vijay Shankar Tanti, Son of Sri Sukhdeo Tanti, Resident of Village-Bhergarhi, P.S.-Saharsa, District-Saharsa.
 5. Parmeshwar Yadav, Son of Late Laxmi Prasad Yadav, Resident of Village-Agwanpur, P.S.-Saharsa, District-Saharsa.
 6. Bharat Pandit, Son of Late Bindeshwari Pandit, Resident of Village-Porati, P.S.-Bangaon, District-Saharsa.
 7. Jay Krishna Yadav, Son of Sri Kamleshwari Yadav, Resident of Village-Nandlali, P.S.-Bihra, District-Saharsa.
 8. Chhedi Lal Yadav, Son of Late Bhumi Yadav, Resident of Village-Nandlali, P.S.-Bihra, District-Saharsa.
 9. Pradip Sah, Son of Sri Khushi Lal Sah, Resident of Village-Bherdhari, P.S.-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Vyash Ji, Son of not known to the petitioners, Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. Vyash Ji, Son of not Known to the Petitioners, Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. Vinod Singh Gunjaiyal, Son of not Known to the petitioners, District Magistrate-cum-Collector, Saharsa.
4. Ashok Kumar, Son of not known to the petitioners, Assistant Director, Employment Unit, Saharsa.
5. Dharendra Kumar Jha, Son of not known to the petitioners, Additional Collector, Saharsa.
6. Subhendu Choudhary, Son of not known to the petitioners, District Development Commissioner, Saharsa.
7. Smt. Kiran Singh, Son of not known to the petitioners, Deputy Collector, Establishment, Saharsa.
8. Suman Kumar Sah, Son of not known to the petitioners, Sub-Divisional Officer, Saharsa.
9. Ashok Kumar Singh, Son of not known to the petitioners, Civil Surgeon-cum-Chief Medical Officer, Saharsa.



10. Om Prakash, Son of not known to the petitioners, District Education Officer, Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Pramod Kumar, Advocate
For the Opposite Parties : Mr. Khurshid Alam, A.A.G.12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

15 04-02-2020 Heard both sides.

The petitioners filed this petition for initiation of a contempt proceeding against the opposite parties for willfully and deliberately disobeying the order dated 20.12.2016, passed in CWJC No.17958 of 2014 and the order dated 07.12.2016, passed in CWJC No.10154 of 2014 and another analogous case being CWJC No.10175 of 2014.

CWJC No.17958 of 2014 was disposed of with an observation that the direction issued in the case of Bijendra Prasad Yadav & another (CWJC No.10154 of 2014) on 07.12.2016 will also apply to the case of the present petitioners. The order dated 07.12.2016, passed in the case of Bijendra Prasad Yadav in CWJC No.10154 of 2014 is as follows:

“The Collector, Saharsa is present in person. He has also filed counter affidavits in the two writ applications. He assures the Court that a final decision on the panel will be taken within a period of one month, as exercise is more or less



complete after verification of the large number of objections, which were received against the said panel by the Collector.

Let a final decision with regard to such appointments from the panel be completed within six weeks. Both the writ applications now stands disposed off. The outcome of the decision will govern the claim of the petitioners.

The personal appearance of the District Magistrate stands dispensed with.”

Learned counsel for the petitioners submits that panel has been prepared but some of the petitioners were left out and their names did not find place in the panel. It is further submitted that on 11.09.2018, a coordinate Bench of this Court passed order on the submissions that the petitioners have already submitted the required papers, still their names were not included in the panel and they were not appointed and the order of this Court has not been followed in its letter and spirit. It is further submitted that by order dated 26.09.2018, the Court took the notice of the fact stated in the show cause that some of the petitioners have already been appointed after they have got their names placed in the panel issued in the year 2006 but during the course of hearing certain contradictory and conflicting statements were made in the show cause. Some matter came up



for consideration for relaxation of age in order to include the names of some of the petitioners in the panel. It is also submitted that if the petitioners were found within the consideration zone for appointment, they should be appointed. Again by order dated 14.10.2019, the case was adjourned for personal appearance of the Collector, Saharsa. The Collector filed supplementary show cause stating therein that the panel has already been prepared and the appointments are made from the panel. If some of the persons who have not been included in the panel, they have got fresh cause of action to take recourse to fresh writ petition for redressal of their grievance. Learned counsel for the petitioners submits that the true import of the order is to prepare a panel and appoint the petitioners and the panel has been prepared but names of some of the petitioners did not find place and, therefore, the order dated 07.12.2016, passed in CWJC No.10154 of 2014 and another analogous case being CWJC No.10175 of 2014 has not been complied in its true letter and spirit.

I find from the order that this Court directed the Collector to prepare the panel within one month after disposal of objections of large number of persons received against the said panel for appointment within six weeks. The panel has already



been prepared and many persons have been appointed. If names of some of the petitioners are not included in the panel on consideration of different criteria enumerated in the notification/advertisement for that the petitioners have got separate cause of action. In the contempt proceeding, it is beyond the purview of this Court to look into the grounds for preparation of panel and the reasons for non-inclusion of the petitioners in the panel, therefore, I find that the order has already been complied and no case is made out to proceed further against the opposite parties.

The contempt petition is dismissed.

(Prabhat Kumar Jha, J)

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