

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.16 of 2019

In
Miscellaneous Jurisdiction Case No.4718 of 2013

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Raghunath Chaudhary, S/o Late Kanhai Chaudhary, resident of village -
Nawada Khurd, P.S. - Ganga Bridge, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Mr. Rajiv Roushan, the Collector, Vaishali.
2. Mr. Birendra Kumar, the Deputy Collector, Nazarat, Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Rupak Kumar, Advocate
For the Opposite Parties	:	Mr. Lalit Kishore, Advocate General
		Mr.Md. Khurshid Alam, AAG- 12

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

13 01-12-2021 Heard Mr. Rupak Kumar, learned counsel for the

petitioner and Mr. Lalit Kishore, learned Advocate General

assisted by Md. Khurshid Alam, learned A.A.G.-XII.

Pursuant to the series of orders passed by this Court,
the last one being the order dated 04.10.2021, a written
argument has been filed on behalf of the petitioner followed by
another supplementary show cause on behalf of opposite party
Nos. 1 & 2.

Mr. Lalit Kishore, learned Advocate General has
informed this Court that in the matter of appointment of two
candidates in Economically Weaker Category, pursuant to a
guideline issued by the General Administration Department, the



roster has been amended. The Selection Committee held a meeting on 02.11.2021 and in the said meeting the Committee headed by the Additional Collector, Vaishali rearranged the list of candidates category-wise and office-wise. The two vacancies which were recommended in the EWS category in the meeting held on 20.02.2020 have been placed in the unreserved category and two persons from the unreserved category have been appointed.

Mr. Rupak Kumar, learned counsel for the petitioner has informed this Court that though the sole petitioner has been appointed but the opposite party has not appointed at least 14 other candidates from the panel approved by this Court. It is his submission that by applying the same methodology by which the two 'EWS' category posts have been put in the unreserved category, the posts which are falling in the category of 'extremely backward class' and 'scheduled tribe' could have been de-reserved to accommodate the 14 remaining candidates from the panel. This Court has been called upon to examine certain other discrepancies which according to learned counsel for the petitioner has occurred while giving effect to the panel which was approved by the order of this Court contempt of which has been alleged.

After hearing learned counsel for the petitioner and



learned Advocate General assisted by Md. Khurshid Alam, learned A.A.G.-XII, this Court is of the considered opinion that the issues which are being sought to be raised by Mr. Rupak Kumar, learned Advocate for the petitioner in the present proceeding cannot be gone into in the contempt jurisdiction. This Court is satisfied that the order of which contempt has been alleged has been substantially complied with. The grievance, if any of the remaining candidates may only be adjudicated in an appropriate proceeding, if so advised to them.

This Contempt Application is, thus, dropped and is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

