

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1994 of 2016

In
Letters Patent Appeal No.1019 of 2012

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1. Md. Jawed Anwar, Son of Md. Mahboob Alam, Resident of Village-Noori Nagar, P.S.- K. Hat, District-Purnea.
 2. Md. Kamaluddin, Son of late S.K. Belaiddin, Resident of Village - Wali tola Chunapur Purnea, District Purnea.
 3. Chendan Kumar Sah, Son of Sri Durga Prasad Sah, Resident of Village-Ihandachowk Bhatta Bazar, P.S. -K. Hat, District -Purnea.
 4. Dinesh Prasad, son of Wand al Das, Resident of Village- Azad Nagar Colony, Tatma Toli, P.S.-K Hat, District Purnea.
 5. Sant Lal Rai, Son of Ram Chandan Rai, Resident of Village- Nageshwar Bagh, Kukshi Bagh, PS -Sadar District-Purnea.
 6. Ravi Ranjan Kumar, Son of Sunil Kumar, Resident of Village-Milan Para Kukshi Bagh PS-Sadar District-Purnea.
 7. Abdul Salam, Son of Md. Islam, Resident of Village-Mohaddipur, Purnea city, PS-Sadar, District-Purnea.
 8. Dhirendar Das, Son of Dhaneshwar Das, Resident of Village- Netajee Chowk, PS--K. Hat, District Purnea.
 9. Shahid Alam, Son of Md Aziz, Resident of Village- Korat Bari, Madhubani, P.S. -K. Hat, District-Purnea.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. The District Magistrate, District -Purnea.
3. Smt. Kaniz Raza, Wife of Md. Shahioth, the Chairman Mayor Nagar Nigam Purnea, District-Purnea Region, Purnea City, PS-Sadar , District -Purnea.
4. Suresh Choudhary, Son of late Bhattu Choudhary, the Nagar Aayukt/Municipal Commissioner, Nagar Nigam Purnea Permanent Address of Resident of Marsus PS + District-Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioners : None



For the Opposite Party-State: Mr. Jitendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 11-07-2022

Despite repeated calls, nobody appears for the petitioners.

2. Mr. Jitendra Kumar, learned counsel appears for the State.

3. Though, a show cause has been filed on behalf of the Commissioner, Municipal Corporation, Purnea (opposite party No.4), the counsel for opposite party nos. 3 and 4 is not present.

4. On perusal of the application, it would appear that it has been filed for initiation of contempt proceedings against opposite party nos. 3 and 4 for their willful disobedience and deliberate violation to the order dated 13.10.2015 passed in L.P.A. No.1019 of 2014 whereby a Division Bench of this Court had set aside the order dated 22.04.2014 passed in C.W.J.C. No.25058 of 2013 and the order of termination of nine petitioners by the Commissioner, Municipal Corporation, Purnea was also set aside and the letters patent appeal was allowed.

5. The opposite party no.4 has categorically stated in



his show cause reply that the opposite parties have obeyed the order of this Court passed in L.P.A. No.1019 of 2014 and the petitioners have been retained on their post. In para 5 and 6 to the written show cause reply filed by the opposite party no.4 following averments have been made:

“5. That it is further humbly states here that the petitioners jointly filed a representation along with order dated 09.03.2016 passed in Civil Review No.43 / 2016 before the Municipal Commissioner (Opposite Party No.4)

6. That after receiving the representation of the petitioners, the answering opposite party no.2 has consider the matter and issued joining letter memo no.932 dated 02.08.2016 to the petitioners and further directed to join them to their respective post and the petitioners have joined and they have been performing their duty since 02.08.2016 as permanent Government Servant.”

5. Regard being had to the averments made in the written show cause reply, we are of the opinion that since the order passed by this Court has already been complied with, no case for initiation of contempt proceedings against opposite party nos. 3 and 4 is made out.

6. In that view of the matter, the instant application



application is dismissed.

(Ashwani Kumar Singh, J.)

(Dr. Anshuman, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-07-2022
Transmission Date	NA

