

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4080 of 2012

In
Civil Writ Jurisdiction Case No.14587 of 2009

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Parmanand Yadav S/O Sri Ram Sagar Yadav R/O Village- Bhamarpura, P.S.-
Jaley, Distt.- Darbhanga, Presently Posted As BHW, Primary Health Centre,
Bachhwara, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director-in-Chief, Health Services, Bihar,
Patna
2. Dr. Surendra Prasad, Director-In-Chief, Health Services, Bihar, Patna
3. Dr. Sone Lal Akela, Civil Surgeon-Cum-Chief Medical Officer, Begusarai,
Distt.-Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajoy Kumar Chakraborty, Advocate Mr. Krishna Murari Rawt, Advocate
For the Opposite Party/s	:	Mr. Awdhesh Kumar Pandey, Advocate Mrs. Binita Singh, SC-28

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 30-11-2022

The instant petition has been filed for initiation of contempt proceedings against the opposite parties for deliberately and wilfully not complying with the order dated 13.11.2009, passed by a co-ordinate Bench of this Court in CWJC No. 14587 of 2009, titled as Parmanand Yadav Vs. The State of Bihar & Ors. and other analogous cases.

Operative portion of the order dated 13.11.2009, alleged to have been violated, reads as under:-



“Accordingly, in the light of similar finding as recorded in C.W.J.C. No. 6575 of 2009 & analogous cases, the inquiry report submitted in the case of the petitioners by the high level committee is being quashed. Their termination orders are also quashed. The respondents are directed to reinstate the petitioners on their respective posts with all consequential benefits.

These writ applications are allowed.”

In the show-cause, the respondents have averred as under:-

“(p) Such of the employees writ petitioners who would continue in service during the pendency of the enquiry proceedings before the one man committee would be entitled for payment of salary from the date of this order and till passing of the final order by the one man committee even if the committee would not approve their initial appointment and continuation in service.

(q) If either of the parties is adversely affected by the decision of the committee in any manner, it would be open for them to assail the same before the appropriate legal forum.”

In the considered view of the Court, the matter needs to be closed, for the respondents to have taken action, as stated above. In any case, it cannot be said that there is wilful defiance of the order passed by this Court.



As such, the present proceedings are closed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.12.2022
Transmission Date	

