

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1037 of 2020

In

Miscellaneous Jurisdiction Case No.125 of 2015

-
1. Chanchal Kumari, Wife of Umesh Kumar Singh, Resident of Village - Fingi, P.S. Bihiya, District- Bhojpur (Ara), Roll No. 66300382.
 2. Sharda Kumari, D/o Akhileshwar Kumar, R/o Mohalla - Mustaffabad, P.S.- Rampur (Gaya), District- Gaya, Roll No. 62230053.
 3. Sarswati Sinha, D/o Subodh Kumar Singh, Resident of Village - Khaira, P.S.- Haveli Khagarpur, District- Munger, Roll No. 90340137.
 4. Kavita Kumari, Wife of Om Prakash Singh, Resident of Village - Masaurhi, P.S.- Jagdishpur, District- Bhojpur, Roll No. 66020261.
 5. Bharti Kumari, Wife of Birendra Yadav, Resident of Village - Titoiya, P.S. - Bodh - Gaya, District- Gaya, Roll No. 62170204.
 6. Nitu Bharti, Wife of Satyendra Kumar, Resident of Village- Sagarchatta, P.S.- Wazirganj, District- Gaya, Roll No. 62320251.
 7. Bineeta Kumari, Wife of Abhay Kumar, Resident of Village - Angra, P.S. Anti, District- Gaya, Roll No. 62010867.
 8. Anita Kumari, Wife of Vinod Kumar Singh, Resident of Village - Saneya, P.S.- Piro, District- Bhojpur (Ara), Roll No.66360112.
 9. Santoshi Kumari, D/o Rajaram Prasad, Resident of Village - Khuguni, P.O.- Parsauna Madan Via- Ramgarhwa, District- East Champaran, Roll No. 73060102.
 10. Rabita Kumari, D/o Haridwar Singh, Resident of Village - Shivpur, P.S.- Karghar, District- Rohtas, Roll No. 69240047.
 11. Jyoti Kumari, D/o Srrekant Singh, Resident of Village - Surroundha, P.S. Belaganj, District- Gaya, Roll No. 62160165.
 12. Lalita Kumari, D/o Ramashish Singh, Resident of Village - Bhopatpur, P.S.- Karakat, District Rohtas, Roll No. 68060448.
 13. Rita Kumari, Wife of Vijay Prasad, Resident of Village - Barau, Resident of Village Barau, P.O.- Khanjapur, P.S. - Moffasil (Gaya), District- Gaya, Roll No. 62180066.
 14. Pratima Kumari, D/o Bindeshwar Prasad Singh, Resident of Village and P.O.- Pathalkatti, P.S.- Atri, District- Gaya, Roll No. 72030304.
 15. Mamta Kumari, D/o Satender Prasad, Resident of Village and P.O.- Hichhan Bigha, P.S.- Daudnagar, District- Aurangabad, Roll No. 64170177.
 16. Kanti Kumari, Wife of Kamal Kishor Singh, Resident of Mohalla - Jagdeo Nagar, P.O. Anaith, P.S.- Nawada, District- Bhojpur (Ara), Roll No. 66210538.
 17. Sanju Kumari, Wife of Brajesh Pal, Resident of Village and P.O.- Mahdah, P.S. and District- Buxur, Roll No. 67130067.
 18. Chanchala Devi, Wife of Dilip Kumar, Resident of Village and P.O.- Hichhan Bigha, P.S.- Daudnagar, District- Aurangabad, Roll No. 64030075.
 19. Saroj Kumari, D/o Samrath Rai, Resident of Village - Samahuta, P.O.- Kopa Samahuta, P.S.- Kopa, District- Chapra, Roll No. 75010832.



20. Sandhya Kumari, D/o Surendra Singh, Resident of Village - Baradih Tola, P.O.- Mahuari, P.S. - Kochas, District- Rohtas, Roll No. 69040472.
21. Asha Kumari, D/o Jhaman Singh, Resident of Village - Chakarahi, P.O. - Banahi, P.S.- Bihiya, District- Bhojpur, Roll No. 66011611.
22. Reena Kumari, D/o Sanoj Kumar, Resident of Village - Shankarpur, P.O. and P.S.- Akorhigola, District- Rohtas, Roll No. 68020212.
23. Vinita Kumari, Wife of Rajesh Kumar, Resident of Village P.O.- Paluhara Via- Sherghati, P.S.- Gurua, District- Gaya, Roll No. 62130071.
24. Kumari Savitri, D/o Ram Babu Ram, Resident of Village and P.O.- Rampur Diyara, P.S.- Maner, District- Patna, Roll No. 60760008.
25. Indu Kumari, Wife of Ajay Kumar, Resident of Village - Shiobahar, P.O. Dawath, P.S.- Surajpura, District- Rohtas, Roll No. 68110438.
26. Dayamanti Kumari, Wife of Aditya Kumar Das, Resident of Village - Imaliyachak, P.O.- Rampur, P.S.- Tekari, District- Gaya, Roll No. 62200412.

... .. Petitioners.

Versus

1. The State of Bihar, through the Director General of Police (Sri Gupteshwar Pandey), Bihar, Patna.
2. Mr. Mr. Amir Shubhani, the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. Mr. Amir subhani, the Principal Secretary, Department of General Administrative, Bihar, Patna.
4. Mr. K.S Dwivedi, The Central Selection Board of Constable, Bihar Patna through its Secretary.
5. Mr. Sunil Kumar, the Chairman of Central Selection Board of Constable, Bihar, Patna.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Bindhyachal Singh, Senior Advocate.
For the State	:	Mr. P.K. Shahi, Advocate General.
		Mr. Prabhat Kumar Verma (AAG- 3).
		Mr. Saroj Kumar Sharma, AC to AAG-3.
For C.S.B.C.	:	Mr. Sanjay Pandey, Advocate.
		Mr. Binod Kumar Mishra, Advocate.
		Mr. Vivek Anand Amritesh, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 07-11-2023

The present M.J.C. No.1037 of 2020 is for revival of



the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters.

2. In order to ascertain whether the petitioners are entitled to file Interlocutory Application/M.J.C. for revival of the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters, it is necessary to reproduce the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters. It reads thus:

“ Heard learned counsel for the parties.

The petitioners, through the present MJC petitions have filed the following reliefs:

“ It is therefore prayed that Your Lordships may graciously be pleased to issue notice (s) to the Contemnors-Opposite parties and after hearing them may be pleased to award suitable punishment for their willful and deliberate violation of the common judgment and order dated 12.8.2014 passed in CWJC No.16937 of 2011 and its analogous cases.”

Since 17.8.2017, the date on which the list attained finality, we notice that the direction contained in judgment dated 12.8.2014 passed in CWJC No.15487 of 2011 and its analogous cases by a learned Single Judge of this Court, has yet not been implemented in its letter and spirit.



Faced with the situation, M/s Pushkar Narain Shahi as well as Sanjay Pandey, learned counsels appearing for the Board, states that all consequential actions shall be taken within a period of eight weeks. Further, the judgment shall be implemented in all respect in letter and spirit within the aforesaid period. The statements accepted and taken on record. As such, these MJC petitions stand disposed of with a direction to the Director General of Police, Bihar to personally ensure compliance of the undertakings furnished to this Court. We clarify that non-implementation of such directions, including our direction passed in terms of the instant order, shall tantamount to aggravation of contempt, for which the Director, General of Police, Bihar shall be personally held liable. The petitioners shall be at liberty to revive the petitions, if need so arises.

It is further made clear that our order is confined only with regard to those candidates whose names find mentioned in the re-drawn list, wherein as Mr. Shahi submits, the number of candidates is 1308. With regard to other candidates, we leave the issue open.”

(underline supplied)

3. One of the requirement to entertain M.J.C. No.1037



of 2020 for revival of the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters, petitioners' names should have been reflected in the re-drawn list. Whereas this Court posed the question to the petitioners as to whether the names of the petitioners in M.J.C. No.1037 of 2020 are reflected in the re-drawn list or not? It is fairly submitted that in the re-drawn list, names of the petitioners in M.J.C. No.1037 of 2020 are not included . Therefore, question of entertaining M.J.C. No.1037 of 2020 for revival of the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters is not maintainable.

4. Accordingly, the present M.J.C. No.1037 of 2020 stands dropped. Dropping of the proceedings in M.J.C. No.1037 of 2020 would not be hurdle for the petitioners to invoke appropriate remedy in the light of the observations made by this Court in the order dated 25.11.2019 passed in M.J.C. No.125 of 2015 and connected matters.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

U			
---	--	--	--

