

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.757 of 2018

In
Civil Writ Jurisdiction Case No.1822 of 2016

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1. Shambhu Prasad Baitha Son of Shiv Shankar Baitha, resident of Village-Chhapia, Ward No. 12, P.S.- Gopalganj, District- Gopalganj.
 2. Sanjay Kumar Gupta, son of Amar Kumar Gupta, resident of Village-Hansrajpur, P.S. Ekma, District- Saran.
 3. Satyanand Rajak, Son of Siyanand Baitha, resident of Village Manikpur, P.S. and District- Gopalganj.
 4. Najare Imam, Son of Safdar Ali, Resident of Village- Jangaliya, Ward No.- 9, P.S. And District- Gopalganj.

... .. Petitioner/s

Versus

1. Mr. Anjani Kumar Singh, The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. Mr. Namedeshwar Lal, the Commissioner, Saran Division, Saran.
3. Mr. Rahul Kumar, the District Magistrate cum Collector, Gopalganj.
4. Mr. Dayanand Mishra The Additional Collector, Gopalganj.
5. Mr. Bhupendra Prasad Yadav, The Deputy Collector, Establishment, Gopalganj.
6. Mr. Abinash Kumar, The District Employment Officer, District Employment Exchange Gopalganj.
7. Dr. Ashok Choudhary, The Civil Surgeon, Gopalganj.

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 4227 of 2019

In

Civil Writ Jurisdiction Case No.4567 of 2018

Sugandhi Devi Wife of Rajesh Kumar, Daughter of Jagat Narayan Lal resident of Village Galimpur, P.S.- Bishambharpur, District Gopalganj, present address resident of Village Haziyaapur Khar, Ward No. 26, Behind V.M. School Field, P.S. and District Gopalganj Sl. NO. 191.

... .. Petitioner/s

Versus

1. Mr. Anjani Kumar Singh, the State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. Mr. Robal Thampu, the Commissioner Saran Division, Saran.
3. Mr. Arsad Ajeej, The District Magistrate cum Collector, Gopalganj.
4. Mr. Shionarayan Singh The Additional Collector, Gopalganj.



5. Mr. Upendra Kumar Pal, the Deputy Collector, (Establishment), Gopalganj.
6. Mr. Arun Kumar The District Employment Officer, District Employment Exchange, Gopalganj.
7. Mr. Nand Kishore Singh the Civil Surgeon, Gopalganj.

... .. Opposite Party/s

with
Miscellaneous Jurisdiction Case No. 4229 of 2019
In
Civil Writ Jurisdiction Case No.18512 of 2015

1. Vidya Kumari, Wife of Amar Nath Singh, Resident of Village- Kotnarahwa, P.S. Gopalpur, District- Gopalganj (Refer No. 284 penal position SL. No. 62).
2. Dharmawati Devi, Wife of Bhagwan Sah, Resident of Village- Rupanchhap, P.S. Barauli, District- Gopalganj (Penal position s.no. 234).
3. Harinand Yadav, Son of Late Dinbandhu Yadav, Resident of Village- Haribasa, P.S. and District- Gopalganj, (Panel Position Sl. No. 106).
4. Wali Raja, Son of Ali Hussain, Resident of Village- Harkua, P.S. and District- Gopalganj (Panel Position Sl. No. 232).

... .. Petitioner/s

Versus

1. Mr. Anjani Kumar Singh, The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. Mr. Robal Thampu, the Commissioner Saran Division, Saran.
3. Mr. Arsad Ajeej, The District Magistrate, cum Collector, Gopalganj.
4. Mr. Shionarayan Singh, The Additional Collector, Gopalganj.
5. Mr. Upendra Kumar Pal, the Deputy Collector, (Establishment), Gopalganj.
6. Mr. Arun Kumar, The District Employment Officer, District Employment Exchange, Gopalganj.
7. Mr. Nand Kishore Singh, the Civil Surgeon, Gopalganj.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 757 of 2018)

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr. Raghwanand, GA-11
Mr. Prabhat Kumar, AC to GA-11

(In Miscellaneous Jurisdiction Case No. 4227 of 2019)

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. Binita Singh (SC 28)

(In Miscellaneous Jurisdiction Case No. 4229 of 2019)

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. Prabhat Kumar Verma (AAG 3)



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

15 03-07-2023 Heard the parties.

The petition is for compliance of the order dated 13.12.2017 in CWJC No.1822 of 2016 by which matter was remitted to the District Magistrate, Gopalganj for consideration of the case of these petitioners for appointment against the vacancies advertised.

It has been contended by the learned counsel for the petitioner that although the District Magistrate, Gopalganj has passed the orders vide memo no.05 dated 18.09.2021 (Shambhu Prasad Baitha and Ors.), memo no.740 dated 02.08.2022 (Sugandhi Devi), memo no.56 dated 08.08.2022 (Vidya Kumari), the same are not in the letter and spirit of the writ court's order.

He as such submits that the same be rejected and the District Magistrate, Gopalganj be directed to act strictly in accordance with the writ court's order.

Per contra, learned State counsel submits that pursuant to the writ court's order, L.P.A. No.1260 of 2018 dated 19.03.2021 was preferred which was disposed of with the direction to District Magistrate, Gopalganj to take decision on merit.



He as such submits that thereafter the District Magistrate, Gopalganj took decision communicated to the petitioners and such the order stands complied.

This court has gone through the writ court's order and the concluding paragraph read as follows:

“For the reasons so discussed, the District Magistrate, Gopalganj has defaulted. The matter is remitted to the District Magistrate, Gopalganj for consideration of the case of these petitioners for appointment against the vacancies advertised vide Annexure 1 in the light of the observations hereinabove and which decision be taken within a period of eight weeks from the date of receipt/ production of a copy of this order.”

Subsequently, the matter went to the Appellate Court and it is necessary again to incorporate the said order in LPA No.1260 of 2018 which read as follows:

“We dispose of the present appeal upholding the direction issued by the learned Single Judge to the extent of consideration of petitioners' case on merits. However, we clarify that the authority shall do so, as per the rules and settled principles of law, more so, the judgment rendered by this Court in



C.W.J.C. No.10444 of 2005, titled as Shankar Singh & Ors. Vs. The State of Bihar & Ors., as also by the Hon'ble Supreme Court in S.L.P. (C) No.17478 of 2010, titled as Nandjee Manjhi & Ors. Vs. State of Bihar & Ors., uninfluenced by any observation made in the impugned judgment."

In that background, the District Magistrate, Gopalganj has taken a decision and reasoned orders have been passed by him by which the claim of the petitioners have been rejected.

The petitioners are well advised to challenge the same to the writ court, if they so want. No case of contempt is made out.

Accordingly, all the contempt petitions stand disposed of.

Learned counsel for the petitioner (in MJC No.4229 of 2019) submits that although the order was passed in 2022 and the show cause was also filed in September 2022, unfortunately the copy was not served upon him.

Learned counsel for the State accepts the fault and is providing a copy of the petition to the petitioner in course of the day.

For the said fault, the State counsel is directed to pay



Rs.500/- to the learned counsel for the petitioner namely Mr.
Harendra Prasad and a receipt will be submitted in the office.

All the contempt petitions stand disposed of.

(Rajiv Roy, J)

Prakash Narayan /-

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