

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.683 of 2021

In

Civil Writ Jurisdiction Case No.3247 of 2016

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1. Upendra Kumar Son of Basudeo Yadav Resident of Village Lalbag, Police Station- Sheikhpura, District- Sheikhpura.
 2. Surendra Kumar Paswan Son of Prabhu Paswan Resident of Village Katra Chouk, Police Station- Sheikhpura, District- Sheikhpura.
 3. Ravikant Kumar Son of Krishnadeo Poddar Resident of Village- Govindpur, Post Office- Rampur, Police Station- Surajgarha, District- Lakhisarai.
 4. Govind Kumar Son of Mohan Lal Gupta Resident of Block Parishar, Sheikhpura, Police Station and District- Sheikhpura.
 5. Kumar Prithvi Raj Son of Kishori Prasad Singh Resident of Village- May Dariyapur, Police Station- Muffasil Munger, District- Munger.
 6. Nityanand Kumar Son of Late Sita Prasad Resident of Village- Manipur, Police Station- Ariyari, District- Sheikhpura.
 7. Dharmendra Kumar Paswan Son of Late Mahavir Paswan Resident of Village Makdumpur, Police Station- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Sheikhpura.
2. Inaz Khan Son of not known the Collector, Sheikhpura.
3. Satyendra Prasad Singh Son of not known The D.D.C., Sheikhpura.
4. K.K. Yadav Son of not known The Dy. Collector, Establishment, Collectorate, Sheikhpura.
5. Amit Kumar Son of not known The Deputy Collector, Nazarat, Collectorate, Sheikhpura.
6. Nishant Son of not known The Sub- Divisional Officer, Sheikhpura.
7. Manjul Manohar Madhup Son of not known The B.D.O., Sheikhpura.
8. Amrendra Kumar Amar Son of not known The B.D.O., Sheikhopursarai, Sheikhpura.
9. Sunil Kumar Singh Son of not known The B.D.O., Chewara, District- Sheikhpura.
10. Deepak Kumar Kaushik Son of not known The B.D.O., Ghat Kusumbha, District- Sheikhpura.
11. Smt. Sushma Sinha Daughter of not known The C.D.P.O., Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj
For the Opposite Party/s : Mr. P.K. Shahi, A.G., Bihar
Mr. Suman Kumar Jha, AC to AAG-3



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-12-2024 1. Heard learned counsel for the petitioners and learned Advocate General Mr. P.K. Shahi, assisted by Mr. Suman Kumar Jha, AC to AAG-3.

2. The Principal Secretary, General Administration Department, Government of Bihar in compliance of the order dated 09.12.2024 is present in the Court.

3. The learned Advocate General submits that the instant contempt application has been filed alleging non-compliance of the order dated 11.04.2019 in C.W.J.C. No.3247 of 2016 (Pravin Kumar & Ors Vs. The State of Bihar & Ors). It is next submitted that no doubt the petitioners are working since 1998 and their case for regularization till date has not been considered but then the issue is that when the case of the petitioners and persons similarly situated like petitioners were being considered for regularization, spate of litigation ensued before this court and ultimately this court in the case of **Kapil Kumar Vs. The State of Bihar in C.W.J.C. No.18612/2019** settled the issue that regularization now has to be done in pursuance of a competitive examination. The learned Advocate General submits that the though the issue was settled in September, 2024 but the Bihar Staff Selection Commission had



already issued the advertisement in the year 2023 requiring petitioners and persons like the petitioners to apply for being considered for regularization and after the issue was settled in the case of Kapil Kumar & Ors. Vs. the State of Bihar & Ors, petitioners and persons like petitioners and others applied in pursuance of the advertisement, which was issued in the year 2023. The learned Advocate General next submits that the examination has been conducted by the Commission and the results are awaited and the results would preferably be published within a period of 4 to 6 weeks from today. It is next submitted that if the petitioners qualify in the competitive examination, their case for regularization would be considered in accordance with law.

4. At this stage, learned counsel appearing on behalf of the petitioners submits that two of the petitioners i.e. petitioner no.3, namely, Ravikant Kumar and the petitioner no.5, namely, Kumar Prithvi Raj though they had applied in pursuance of the advertisement but then their admit card was not issued, as such, they could not participate in the examination, hence their case now would not be considered, on which, the learned Advocate General submits that if those petitioners had applied and admit card was not issued, in that event, it would be



the responsibility of the Commission and not of the State and the petitioners will have to assail the same.

5. After hearing the learned counsel for the petitioners and the learned Advocate General, the Court is not inclined to proceed with the contempt any further, as it has been submitted that the result would be published by the Commission within a period of 4-6 weeks from today.

6. The personal appearance of the Principal Secretary, General Administration Department, Government of Bihar and the Block Development Officer, Chewara, Sheikhpur is dispensed with.

7. In view of the submissions made by the learned Advocate General, the contempt application is dismissed.

(Satyavrat Verma, J)

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