

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3706 of 2016

In
Civil Writ Jurisdiction Case No.8428 of 2012

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Md. Sarfaraz Alam Son of Late Md. Badri Alam resident of village - Maula Nagar, P.O. Awapur, P.S. Pupri, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Sri D. S. Gangwar Principal Secretary, Human Resources Development Depar
2. Sri Sudhir Kumar the Chairman of Bihar Staff Selection Commission, P.O. Veterinary College, Patna.
3. Sri Parmeshwar Ram the Secretry, Staff Selection Commission, P.O. Veterinary College, Patna.
4. The Bihar Staff Selection Commission, Veterinary College Patna through its Secretary Sri Parmeshwar
5. The Union of India through Sri R.S. Baharjee Director of Posts, New Delhi.
6. Sri Kaveri Banarjee the post master general Department of Posts, Patna.
7. Sri Ram Nandan Baitha the Sub-post Master Sub Post Office Janabpur Road, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr. Satyabir Bharti, Advocate
Mr. Anshay Bahadur Mathur, (CGC)
Mr. P.R. Singh, AC top AAG -13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-03-2024 Heard the parties.

2. A show cause of opposite party nos. 2 to 4 is on record and paragraph nos. 4 to 8 read as follows.

“4. That at the outset, it is stated that the instant contempt application, alleging non-compliance of the order dated 1.05.2012, passed in CWJC No. 8426 of 2012 is not maintainable, in view of Section 20 of the Contempt of Courts Act, 1971 and the decision



of the Hon'ble Patna High Court passed in MJC No. 1840 of 2023 (Dr. Rajesh Kumar Sinha vs The Union of India), wherein it has been held that the 2nd M.J.C. - contempt petition on the same cause of action is not maintainable, in the absence of liberty to file revival of order or to file fresh contempt petition as also the fact that there is a delay of more than a year from the date of the order, which has allegedly been violated. The limitation prescribed for filing a contempt petition against non- compliance of the order passed by the Court is one year period from the date of cause of action accrued. The present M.J.C. - contempt petition is filed in the year 2016 for non- compliance of the order dated 1.05.2012. Thus, there is a delay of more than one year even in filing present contempt application.

5. That it is stated and submitted that as per the decision of the State Government, Bihar Staff Selection Commission was authorized to conduct the selection process and after completion of the selection process recommended the panel of successful eligible candidates for appointment against the said 34540 posts of Assistant Teachers to the Department of Education, Government of Bihar.

6. That as per the provisions of Rule 2010, Bihar Staff Selection Commission had advertised a total number of 34540 posts of Assistant Teachers through Advertisement No. 210/2010 and applications from the eligible



candidates were invited in terms of the said Advertisement.

7. That even otherwise, since the petitioner herein was not in appeal in pursuance to advertisement no. 210/2010, Issued for appointment of Assistant teachers and his name does not figure in the list of 1,23,149 applicants, who had submitted their applications, the consideration of the case of the petitioner for appointment on the post of Assistant teacher does not arise.

8. That in terms of various orders issued by the Hon'ble Apex Court and this Hon'ble Court, the selection has to be done strictly from the list of 1,23,149 candidates and in pursuance thereof, recommendations have been sent and selection process has been concluded”.

3. Learned counsel for the petitioner submits that in that view of the matter, nothing remains.

4. The MJC No. 3706 of 2016 stands disposed of.

(Rajiv Roy, J)

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