

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.963 of 2023

In
Miscellaneous Jurisdiction Case No.898 of 2019

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1. Pradeep Kumar Dwivedi Son of Sri Raj Kishore Dwivedi, Resident of village and P.O. Chakari, Police Station Darauli, District Siwan.
 2. Suresh Kumar Sharma Son of Rama Shankar Sharma, Resident of Village Tenbhedia Khurd, P.O. Barahani Bazar, P.S. Barharia, District Siwan.
 3. Brahma Prasad Son of Ganga Bisun Prasad, Resident of village Sisaikoli Tola, P.S. Goreya Kothi, District Siwan.
 4. Ram Pravesh Yadav Son of Madan Yadav, Resident of Village Bisunpur, P.O. Sahuli, P.S. Hussainganj, District Siwan.
 5. Rajesh Kumar Sharma Son of Sri rama Shankar Sharma Resident of Village Tinbhedia P.O Barahani Bazar, P.S. Barharia, District Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Through Mr. Lokesh Kumar Singh, the Divisional Commissioner, Saran Division at Chapra.
2. Mrs. Ranjita District Magistrate, Siwan, District Siwan.
3. Mrs. Ranjita the Establishment Committee through its Chairman the Collector Cum-District Magistrate, Siwan.
4. Mr. Aman Sameer, the Sub Divisional Officer, Siwan, District Siwan.
5. Mr. Shashi Bhushan Chaudhary the Establishment Committee Through Deputy Collector, Siwan, District Siwan.
6. Mr. Rabindra Nath Chaudhary, the Nazarat through Deputy Collector, Siwan District Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amir Alam, Advocate
For the Respondent/s : Mr.P.K. Verma (AAG3)



Mr. Sanjay Kumar Ghosarvey AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2024

The petitioners are concerned with the refusal of the learned Single Judge to initiate contempt in the MJC filed by the petitioners. The cause agitated by the writ petitioners before the learned Single Judge in CWJC No. 14303 of 2016 was appointment to the vacancies existing from the panel prepared by the District Collector, Siwan. The petitioners claim that they were on daily wage basis since 2011 and continuing on the post while Advertisement No. 1 of 2013-14 was brought out by the State calling for regular appointments. Pursuant to this advertisement the petitioners applied and a panel was prepared in which the petitioners were included. Learned Single Judge found that there were still vacancies existing after the appointments made by the District Collector, Siwan and directed that the appointments should be made exclusively in the order of merit from the panel so prepared of the candidates pursuant to Advertisement No. 1 of 2013-14 on the basis of the existing Rules as on the date of advertisement. It was also directed that in making appointments that roster clearance of those vacancies



should also be obtained from the authorities.

2. The petitioners filed a contempt petition alleging that the directions have not been complied with. In the contempt petition, the Principal Secretary, General Administration Department, Government of Bihar, Patna filed a show cause indicating that after framing of the new Rules relating to appointment of Class-III employees, the petitioners will have the chance to appear in the examination conducted by the Bihar Staff Selection Commission, Patna and all those who are empanelled in the district of Siwan would also be referred to the Bihar Staff Selection Commission, Patna and they would not have to pay any fee for the said examination. The submission put forward by the learned State Counsel was recorded as fair and the contempt case was closed.

3. Learned Single Judge was of the opinion that no deliberate contempt is occasioned which we cannot sit in appeal from. However, the petitioners in the contempt petition are not precluded from challenging the further action taken by the respondent in referring the matter to the Bihar Staff Selection Commission, Patna.

4. In the above circumstances, we find absolutely no reason to entertain the appeal from the order closing the



contempt. But however we leave remedy to the petitioners to challenge the further action taken by the petitioners.

5. The appeal stands disposed of with above liberty.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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