

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3281 of 2024

In
Civil Writ Jurisdiction Case No.11069 of 2024

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Dr. Indu Kumari Tiwari @ Indu Kumari Tiwari Wife of Gitesh Kumar
Resident of Mohalla- Vachaspati Nagar, Mahendru, P.S. Sultanganj District
Patna

... .. Petitioner/s

Versus

Prof (Dr.) Anil Kumar Sinha, The Secretary, Bihar State University Service
Commission, 8th Floor, Bihar School Examination Board, Academic
Building, Budh Marg, Patna- 800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sunil Pathak, Advocate
For the B.S.U.S.C.	:	Mr. Tuhin Shankar, Advocate
		Mr. Gopal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 24-09-2024

Heard learned counsels for the parties.

2. This contempt petition has been filed alleging violation of the order dated 25.07.2024 passed by this Court in C.W.J.C. No. 11069 of 2024, whereby the petitioner was directed to submit domicile certificate issued by the competent authority to the Bihar State University Service Commission (for short “the Commission”) on or before 29.07.2024 and on submission of said domicile certificate by the petitioner the Commission shall take a decision in the matter and if the petitioner is found to be a permanent resident of Bihar on the basis of the domicile certificate



submitted, she shall be allowed to appear in the interview on the basis of the application fee of Rs.75/- paid by the petitioner subject to the petitioner fulfilling the other qualifying requirements provided in the Advertisement by the Commission.

3. It is the case of the petitioner that pursuant to the aforesaid order of this Court, the petitioner had submitted application dated 26.07.2024 enclosing certificate dated 06.11.2020 issued by the Circle Officer, Patna Sadar, Patna. The petitioner has thereafter filed M.J.C. 3281 of 2024, wherein it has also been stated that the petitioner had submitted yet another certificate dated 26.06.2024 issued by the Revenue Officer, Shahpur Block under Bhojpur District.

4. The respondent has also filed a counter affidavit, wherein it has been stated that the petitioner along with her application had filed the aforesaid two certificates, in which certificates it did not indicate that the petitioner is a permanent resident of Bihar and that is how the respondent Commission did not allow the petitioner to participate in the interview in terms of the direction passed by this Court in the writ petition.



5. I have perused the certificate dated 06.11.2020 issued by the Circle Officer, Patna Sadar, Patna as well as the certificate dated 26.06.2024 issued by the Revenue Officer, Shahpur Block under Bhojpur District.

6. In the certificate dated 06.11.2020 issued by the Circle Officer, Patna Sadar, Patna, it has been certified that the petitioner is either a temporary or permanent resident of village / Nagar – Vachaspati Nagar, Post-Mahendru, Thana-Bahadurpur, Block-Patna Sadar, Sub-Division – Patna Sadar, District Patna, Bihar; whereas in the certificate dated 26.06.2024 issued by the Revenue Officer, Shahpur Block under Bhojpur District, it has been certified that the petitioner is a temporary resident of Gram / Mohalla Dhavri, Ward No.8, Post Office Bara Kharauni, Thana Bihiya, Block Shahpur, Sub-Division Jagdishpur, District Bhojpur, State – Bihar. The aforesaid two certificates, therefore, do not distinctly certify that the petitioner is a permanent resident of any place in Bihar.

7. Under the circumstances, it was quite possible for the Commission to not come to a conclusive finding on the basis of the aforesaid two certificates that the petitioner is a permanent resident of State of Bihar.



8. The action of the respondent Commission in not calling the petitioner for interview on the grounds stated above, therefore, is not found to be an action in violation of the order passed by this Court in the writ petition.

9. Accordingly, no case of contempt is made out against the respondent and the contempt petition is dismissed.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.09.2024
Transmission Date	N.A.

