

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3846 of 2019

In
Civil Writ Jurisdiction Case No.18923 of 2014

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Janardan Prasad Yadav S/o Late Bhagwat Yadav R/o - Village and P.O.
Makuna, Via - Garh Baruari, P.S. - Bihra, Dist. - Saharsa, Pin-852110

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna, Namely - R.K. Mahajan
2. The Director Primary Education Human Resources Department, Govt. of Bihar, Patna, Namely- Shri Arvind Kumar Verma
3. The Regional Deputy Director of Education Koshi Commissionery, Saharsa, Namely- Takiuddin Ahmad
4. The District Education Officer Saharsa, Namely- Jai Shankar Prasad Thakur
5. The District Programme Officer Saharsa, Namely- Rahul Chandra Mandal
6. The Block Extension Officer Kahra, Saharsa, Namely- Not Known
7. The Headmaster Middle School, Makuna, Bihra, Saharsa, Namely- not known

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate
For the Opposite Party/s : Shrimati Shilpa Singh (Ga 12)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 16-04-2025 This contempt petition has been filed alleging violation of order dated 06.08.2018 passed in CWJC No. 18923 of 2014, wherein, this Court has passed the following order:-

"After going through the entire materials available on record, the Court does not find any infirmity so far the order contained in Annexure '12' is concerned as the appointment of the petitioner was not in accordance with law. However, if the petitioner has worked for such a long period, then his case may be considered in the light of the



judgment of the Hon'ble Apex Court in the case of Amarkant Rai Vs. State of Bihar (2015) 8 SCC 265.. If on verification of record, it is found that the petitioner has actually worked for three decades as asserted by the petitioner then necessary order may be passed by the Principal Secretary of the Education notwithstanding Annexure-12 in the light of the decision of Amarkant Rai (Supra) within a maximum period of six months from the date of receipt /production of a copy of this order.

With the aforesaid observation and direction, this writ application stands disposed of”

2. Opposite party No. 5 has filed a show cause, wherein, in paragraph No. 5-6 it has been stated as under:-

“5. That in the present context it is respectfully submitted that as per the records, it was as in light of the order passed by this Hon'ble Court in the connected writ petition bearing CWJC No. 18923/2014, that the claim of the petitioner had duly been considered by 'the Principal Secretary, Education Department Bihar Patna and after having considered the matter in detail, that the said claim of the petitioner had been rejected vide memo no. 981 dated 18.11.2020. a copy of the said order dated 18.11.2020 had also been issued to the petitioner.

6. That from perusal of the said order dated 18.11.2020 passed by the Principal Secretary, Education Department Bihar, Patna, it would transpire that the same was detailed responded order, considering the relevant records / inspection report suggesting that the name of the petitioner was not found recorded in the teacher attendance register of the school in question and also that earlier no payment of salary had been made to the petitioner from the state exchequer.

In addition to this the appointment of the petitioner was found to have been made by the managing committee in the year 1981, though at the relevant point the concerned managing committee was not competent to appoint, and as such the case of the petitioner had been found



distinguishable from the case of Amar Kant Rai Vrs. State (2015) 8 SCC 265.”

3. On perusal of paragraph No. 5-6 of the show cause filed by the opposite party No. 5, I find that the order dated 06.08.2018 passed in CWJC No. 18923 of 2014 has been complied with by the respondents.

4. In view of the above, this contempt application stands closed and disposed of.

(Nani Tagia, J)

Siddharth
Sagar/-

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