

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1254 of 2024

In
Miscellaneous Jurisdiction Case No.2707 of 2022

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1. The Chairman, Bihar Staff Selection Commission, Veterinary College Campus, Patna-14.
 2. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna.

... .. Appellant/s

Versus

1. Mintu Kumari, Wife of Anil Kumar Shukla, resident of Village and P.O.-Khabra, P.S. Sadar, District- Muzaffarpur.
2. Sri Pratyaya Amrit, the Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Sri Sanjay Kumar Singh, the Special Secretary, Department of Health, Govt. of Bihar, Patna.
4. Dr. R.N. Pandey, the Director-in-Chief, Directorate of Health Service, Govt. of Bihar, Patna.
5. Sri Sanjay Kumar Singh, the Special Director, Department of Health, Govt. of Bihar, Patna.
6. Sri K. Senthil Kumar, the Special Director, Department of Health, Govt. of Bihar, Patna.
7. Sri U.S. Sharma, the Civil Surgeon cum Chief Medical Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Advocate
For the Respondent/s	:	Mr. Additional Advocate General (9)
For the Respondent No.1:	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-03-2025

Heard Mr. Satyabir Bharti, the learned Senior
Advocate for the appellants/ Bihar Staff Selection
Commission and Mr. Sunil Kumar, the learned Advocate



for respondent No.1.

2. By order dated 06.01.2022 passed in C.W.J.C. No. 5772 of 2020, a learned Single Judge of this Court had directed the writ petitioner/ Mintu Kumari to make a representation before the Selection/ Appointing Authority, which in turn was directed to take note of the writ petitioner's grievance and pass a speaking order within three months. It was also specified that in the event of the petitioner having secured more marks than the last candidate for the post of ANM, necessary notice was required to be issued to such persons before taking any action on the writ petitioner's representation.

3. When the representation preferred by the writ petitioner was not being responded to, a contempt petition was filed vide M.J.C. No. 2707 of 2022 wherein the Court, vide order dated 06.12.2024, directed the concerned respondent to appear on the next date of hearing for facing contempt charges. While saying so, the learned Single Judge had taken note of the fact that the



writ petitioner and others were governed by Rule 7(2)(c) of Bihar Lady Health Worker (Auxiliary Nurse Midwife-A.N.M.) Cadre Rules, 2013, which does not specify any specific experience in Government hospitals of Bihar State to be requisite experience only when such experience is obtained against regular holder of the post.

4. However, this Court in appeal against the aforementioned order passed by the Contempt Court for appearance of the concerned respondent, was of the view that no contempt petition could have been filed with respect to the order passed in original C.W.J.C. No. 5772 of 2020 dated 06.01.2022.

5. Even otherwise, the learned counsel for the appellants submits that before the issuance of notice of personal appearance of the concerned respondent, the direction of the writ Court contained in order dated 06.01.2022 had already been complied with and by a reasoned order passed by the concerned respondent, the representation of the writ petitioner had already been



disposed off.

6. This Court has also come to know from the submission made on behalf of respondent No.1 that the reasoned order passed by the concerned respondent on the representation of the writ petitioner has not yet been challenged.

7. Considering this aspect of the matter, we set aside the impugned order dated 06.12.2024 directing the concerned respondent to appear before the Contempt Court and consign the proceedings under the contempt jurisdiction (M.J.C. No.2707 of 2022).

8. The appeal stands allowed.

(Ashutosh Kumar, ACJ)

(Harish Kumar, J)

Rajesh/Uday

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2025
Transmission Date	NA

