

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1869 of 2019

In
Civil Writ Jurisdiction Case No.18929 of 2017

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Md. Azhar Hussain & Ors.

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
: Mr. Akash Kumar, Advocate
For the Opposite Party/s : Mr. Apurva Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

16 24-04-2026 Heard the parties.

2. The present contempt petition has been filed for non-compliance of the order dated 03.04.2018, whereby the learned Co-ordinate Bench of this Court proceeded to dispose of the writ petition filed by the petitioners with a direction to the respondent-District Programme Officer (Establishment), Araria to implement the direction of the District Teachers Employment Appellate Authority in its letter and spirit within a maximum period of sixty days from the date of receipt/production of a copy of the order and failure in compliance would be viewed seriously.

3. For non-compliance of the order dated 03.04.2018, the petitioners filed M.J.C. No. 1959 of 2018, wherein vide order dated 11.03.2019, the learned Co-ordinate Bench of this



Court disposed of the contempt petition after recording the fact with regard to these petitioners which is being reproduced hereinbelow:-

So far as the petitioner nos. 1, 3 and 5 are concerned, in view of the stand taken by the opposite parties in the show cause filed today, the Court hope and expect that the opposite parties shall honour their undertakings indicated in the show cause.

In view of the above, the present proceeding is dropped and the application stands disposed of.

However, in case the opposite parties fail to honour their own undertaking indicated in the show cause filed today within a period of one month from the date of receipt/production of a copy of this order, liberty shall be available to the petitioner to file fresh petition for initiating contempt.

4. After passing of the order dated 11.03.2019, when the undertaking given by the opposite parties were not been complied with, the present contempt petition has been filed. The opposite parties herein filed a show cause, whereby the claim of the petitioners has been rejected vide memo no. 559 dated 18.04.2019 passed by the District Programme Officer, Araria. However, vide order dated 19.02.2026 passed by a learned Co-



ordinate Bench of this Court in the present contempt petition, for taking corrective measures in view of the earlier undertaking given before this Court M.J.C No. 1959 of 2018, the petitioners were directed to appear before the District Programme Officer, Araria and the District Programme Officer (Establishment), Araria on 11.03.2026 along with all the supporting materials for adjudication of the claim of the petitioners for salary, in respect of which the original C.W.J.C. No. 18929 of 2017 was filed. After giving certain directions, the matter was directed to be listed on 02.04.2026. In compliance of the order dated 19.02.2026 passed in this contempt petition, vide Memo No. 512 dated 11.03.2026 passed by the District Programme Officer, Araria, the claims of the petitioners have again been rejected with a finding that apart from the written submissions, no document has been brought on record by the petitioners herein and during course of hearing of the case, the head master of the school concerned produced the self-attested copy of the attendance register of the teachers of the school for the period 2007-2026 before the District Programme Officer. From perusal of the attendance register, the District Programme Officer, Araria came to the conclusion that the attendance of the petitioners herein was never marked in the same and they were



not found to be present in the school at any time.

5. During course of the hearing today, when this Court asked for the undertaking given by the opposite party nos. 4 & 5 in M.J.C. No. 1959 of 2018, which has been recorded by the learned Co-ordinate Bench of this Court in the order dated 11.03.2019, the learned counsel for the petitioner provided a copy of the said affidavit/undertaking and from perusal of paragraph no-9 of the affidavit, it would transpire that the opposite parties had undertaken to make payment of due salary, as claimed by the petitioners after receipt of the attendance register/detail of the attendance directly from them, if so advised.

6. It appears that despite repeated opportunity being given to the petitioners, they are not ready and willing to provide any document related to their attendance to the opposite parties herein, for the reasons best known to them and in absence of the documents, which was said to have been not provided to the opposite parties, the District Programme Officer, Araria proceeded to reject the claim of the petitioners vide Memo No. 512 dated 11.03.2026.

7. Accordingly, this Court finds no infirmity in the order passed by the District Programme Officer, Araria vide



Memo No. 512 dated 11.03.2026. The contempt petition is dismissed.

8. If the petitioners are aggrieved with the order dated 11.03.2026, they can avail the remedy available in the law.

(Ritesh Kumar, J)

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