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15075/11

IN THE HIGH COURT OF JUDICATURE AT PATNA

(MISCELLANEOUS JURISDICTION CASE)

M.J.C.No. _____ of 2012.

Munna Kumar and others. _____ Petitioners.

Versus

The State of Bihar and others. _____ Contenners/Opposite Parties.

Subject: Contempt Matter.

I n d e x

<u>Sl. No.</u>	<u>Particulars.</u>	<u>Pages.</u>
1.	An Application with Affidavit.	1 to 8.
2.	Annexure-1: A photo copy of the Order dated 19.9.11 in C.W.J.C.No. 15075/11.	

IN THE HIGH COURT OF JUDICATURE AT PATNA

(MISCELLANEOUS JURISDICTION CASE)

M.J.C.No. _____ of 2012.

(Arising out of C.W.J.C.No.15075 of 2011).

In the matter of
an application Under Sections
11 and 12 of the Contempts
of Court Act, read with Article
215 of the Constitution of
India;

A n d

In the matter of:

1. Munna Kumar, son of Awadh Binari Yadav,
resident of Village-Jawani¹diyar, P.S.-Brahmpur,
District-Buxar.
2. Ganesh Kumar Yadav, son of Gorakh Nath Yadav,
3. Vijay Shankar Yadav, son of Sri prabhu Nath Yadav.

4. Binari Yadav, son of Ram Yadav,

All residents of Village-Jawahir Diyar, P.S. -Brahmpur,
District-Buxar.

----- petitioners.

Versus

1. The State of Bihar.
2. Sri Abhya Nand, The Director General of Police,
Bihar, Patna.
3. Sri Navin Kumar, The Chief Secretary, Bihar, Patna.
4. Sri Ravindra Sankaran, The Deputy Inspector General
of Human Rights, Bihar, Patna.
5. Sri Jitendra Kumar, The Chairman, Central Recruitment
Board-cum-Additional Inspector General SCRB, Bihar,
Patna.
7. Sri Alek Kumar, Chairman, Central Range Board Nos. 1, 2
and 3, Patna.
8. Sri Surendra Lal Das, Chairman Range Board, Patna.
9. Sri M.R. Nayan, Superintendent of Police-cum-Chairman

3.

Shahabad Range Board, Bhojpur.

Sri

10./Gopal Prasad, Superintendent of Police, Madhepura.

11. Sri Rajesh Kumar, Senior Superintendent of Police-
cum-Chairman, Tirhut Range Board, Muzaffarpur.

12. Sri Satish Kumar, Commandant, B.M.P., cum-Chairman, Northern
Division Board, Begusarai.

-----Contemners/Opposite
Parties.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief
Justice of the High Court of Judicature at Patna
and Her Companion Justices of the said Hon'ble Court

The humble petition on behalf
of the above named petitioner

Most Respectfully Sheweth:-

1. That the present petition is being filed for
initiating Contempt proceeding against the Contemners/
Opposite parties for wilful disobedience and deliberate

4.

Violation of the Order of this Hon'ble Court, passed in
C.W.J.C.No.15075 of 2011, passed on 19.9.2011 by Hon'ble

Justice Mr. Ajay Kumar Tripathi.

A copy of the Order dt. 19.9.11, in C.W.J.C.
No.15075/11 is annexed as Annexure-1.

2. That the Writ Petition bearing C.W.J.C.No.15075 of
2011 was filed for direction to the respondent-authorities
to consider the case of the petitioners for their appointment
to the post of Constable pursuant to the advertisement,
published in the year 2004.

3. That it is submitted that the number of similarly
situated persons also filed several writ petitions for
the same relief and all the said writ petitions were heard
along with Letters Patent Appeal No.831/2009 and its
analogous cases considering the Counter Affidavit of
the respondents/Opposite Parties and after hearing the
respective parties all the writ petitions were disposed by
a common Order dated 28.6.2011, passed by a Division
Bench consisting of Hon'ble Justice Smt. T. Meena Kumari and

5.

Justice Mr.
Hon'ble Akhilesh Chandra.

4. That after passing the order dated 19.9.2011, the respondents/Opposite parties did not pass any order in compliance of order dated 19.9.2011, although the petitioners are approaching the authorities concerned respectively from pillar to post for redressal of their grievances, but without any result.

5. That the action of the respondents/Opposite parties clearly shows that they do not want to comply with the Order of this Hon'ble Court, although a large number of vacant post of constable of different categories are lying vacant pursuant to the Advertisement published in the year 2004.

6. That it is submitted that the Opposite parties intentionally and deliberately are not complying with the Order of this Hon'ble Court and they are sitting tight over the matter, although the

6.

petitioners are approaching the authorities concerned.

7. That it is submitted that action of the respondents/Opposite Parties clearly shows that they have no regard for the Order dated 19.9.2011, passed by this Hon'ble Court as such the Opposite Parties are deliberately, intentionally, wilfully and knowingly violating the Order of this Hon'ble Court, hence, the Opposite Parties are liable for punishment under the provision of Contempt of Court Act.

8. That the petitioners have not filed any other application in this matter at any time before.

It is, therefore, most respectfully prayed that your Lordship may graciously be pleased to issue show-cause to Opposite Parties as to why they should not be punished for wilfully and intentionally violating the order dated 19.9.2011,

7.

passed in C.W.J.C.No.15075 of 2011
and after case or cause being shown
and after hearing the respective
parties Contempt Proceeding be
initiated against the Opposite parti
and the Order dated 19.9.2011, passed
by this Hon'ble Court directed to be
complied.

And/or

Pass such other Order/orders as
your Lordship may deem fit and
proper.

And for this, the petitioners shall ever pray.

8.

A f f i d a v i t.

I, Munna Kumar , aged about 22 years, son of
Awadh Bihari Yadav , resident of Village - Jawahir Diyar
P.S. - Brampur , District - Buxar , do hereby
solemnly affirm and state as follows:-

1. That I am petitioner No. 1 in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read by me, which I have understood and the statements made therein are true to my knowledge.
3. That the Annexure is True/photo copy of its original.

Annex-1

BIHAR CIRCLE
 COURT FEE
 AUTH NO. SMULDAK-PATNA-23/2009/2420
 00000
 JUDICIAL
 14265
 15 9 2011
 714466
 BIHAR
 INDIA

IN THE HIGH COURT OF JUDICATURE AT PATNA
 CWJC No.15075 of 2011
 Munna Kumar & Ors
 Versus
 The State Of Bihar & Ors

For the petitioners: Mr. Ebrahim Kabir
 For the State : Smt. Kumari Anita, GP 10

02. 19.9.2011

Counsel for the petitioners submits that the issue raised by him in the present writ application is now covered by the decision rendered in LPA No.831 of 2009.

The writ application is disposed of with an observation that if the cases of the petitioners come within the ambit of said decision, the respondents will be guided by the same.

rkp

(Ajay Kumar Tripathi, J.)

COPY

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)
 Patna High Court

Established 1876

Rakesh Kumar

28/09/2011

E/6/19V33