

3

GA7
3/2/14

IN THE HIGH COURT OF JUDICATURE AT PATNA
(Miscellaneous Judicial Jurisdiction)

M.J.C. No. _____ of 2014 (Contempt)
(Arising out of C.W.J.C. No. 957 of 2012,
Disposed of vide order dated 12.04.2012)

Awadhesh Kumar Petitioner.

Versus

The State of Bihar and othersContemnors/O. P.

Sub: **Contempt Matter.**

INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Petition with Affidavit 1 to 8
2.	Annexure-1: Copy of order dated 12.04.2012.....	9-11
3.	<u>VAKALATNAMA</u>	

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C. No. _____ of 2014 (Contempt)

(Arising out of C.W.J.C. No. 957 of 2012,
Disposed of vide order dated 12.04.2012)

In the matter of an
application under Sections
11 and 12 of the contempt
of Courts Act read with
Article 215 of the
Constitution of India;

And

In the matter of
Awadhesh Kumar, son of Late Rasikalal Yadav, resident of
village-Parmanandpur, P.S.-Ghailadhi, District-Madhepura.

..... Petitioner.

VERSUS

1. The State of Bihar through the Principal Secretary, Human Resources Development, Government of Bihar, Patna, namely Sri Amarjeet Sinha.
2. The Secretary, Human Resources Development, Government of Bihar, Patna, namely Sri Amarjeet Sinha.
3. The Director, Department of Primary Education, Government of Bihar, Patna, namely Sri Sarvanan Man.
4. The District Magistrate, Madhepura, namely Sri
5. The District Education Officer, Madhepura, namely Sri M. K. Sinha.
6. The District Programme Officer (Establishment), Madhepura, namely Sri Birendra Pandey
7. The Block Education Officer, Ghailadh Block, District-Madhepura, namely Sri
8. The Block Education Extension Officer, Ghailadh Block, District-Madhepura, namely Sri
9. The Mukhiya, Gram Panchayat Raj Bhatrandha Parmanandpur, Block-Ghailadh, District-Madhepura, namely Sri

10. The Panchayat Secretary, Gram Panchayat Raj
Bhatrandha Parmanandpur, Block-Ghailadh, District-
Madhepura, namely Sri

.....Contemnors/Opposite Parties.

To,

The **Hon'ble Ms. Justice Rekha M. Doshit**, the
Hon'ble 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 petitioner
above-named;

Most Respectfully Sheweth:-

1. That this is an application for initiation of a proceeding of civil contempt against the Contemnors/ Opposite Parties for committing wilful disobedience and deliberate disrespect to the order of this Hon'ble Court dated 12.04.2012 passed in C.W.J.C. No. 957 of 2012 (Gopesh Kumar Vs The State of Bihar and others) by Hon'ble Mr. Justice Jayanandan Singh.

2. That one Gopesh Kumar filed aforesaid CWJC No.957/2012 before this Hon'ble Court challenging the order of Appellate Authority by which the appointment of aforesaid Gopesh Kumar was cancelled and the petitioner who was Respondent No.12 in the aforesaid writ petition was directed to be appointed.
3. That after hearing the parties this Hon'ble Court was pleased to dispose of the aforesaid C.W.J.C. No. 957/2012 vide order dated 12.04.2012 in the following terms:-

“In the circumstances, the order of the Appellate Authority is modified to the extent that the Panchayat Secretary is directed to take steps for holding entire process of selection afresh by giving opportunity to all the candidates who had applied for appointment in this category and then make appointments afresh in accordance with law. If the merit list of all the candidates, who were applicants for appointment, has already been prepared, the Employment Agency shall invite objections to

the same by ensuring service of notice on all the applicants by a reliable mode and thereafter shall take steps for holding counselling and shall finally select candidate in accordance with law and issue appointment letter to him against the post of B.C.-I category, positively within three months from the date of receipt/production of a copy of this order.

This writ application is disposed of with the aforesaid observations and directions”.

A copy of order dated 12.04.2012 passed in CWJC No. 957/2012 is annexed herewith and marked as Annexure-1 to this petition.

4. That a long period has elapsed and the petitioner has been continuously pursuing the matter before the Contemnors/Opposite Parties, but till date the order of

this Hon'ble Court has not been complied with which is a clear case of contempt.

5. That in the facts and circumstances the interest of justice demands to punish the Contemnors Opposite Parties suitably for their wilful disobedience of order of this Hon'ble Court.
6. That the petitioner has not moved before this Hon'ble Court in this matter on any earlier occasion.

It is, therefore, prayed that **Your Lordships** may graciously be pleased to admit this application, issue show cause notice upon the Contemnors/Opposite Parties and after hearing the parties be pleased to punish the Contemnors/ Opposite Parties suitably for their wilful disobedience and deliberate disrespect to the order dated ^{12.} ~~12.~~ 04.2012 passed by Hon'ble Mr. Justice Jayanandan Singh in

C.W.J.C. No. 957/2012 (Gopesh
Kumar Vs The State of Bihar and
others).

And/or

Pass such other order or orders as
Your Lordships may deem fit and
proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Awadhesh Kumar, aged about 36 years, son of Late Rasikalal Yadav, resident of village-Parmanandpur, P.S.-Ghailadhi, District-Madhepura; do hereby solemnly affirm and state as follows:

1. That I am Petitioner in the contempt petition and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this contempt application have been read over and explained to me in Hindi which I have fully understood and the statements made therein are true to my knowledge and belief.
3. That the Annexure is photo/true copy of its original.

अवधेश कुमार

Annex-1

9

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.957 of 2012

1. Gopesh Kumar Son Of Sri Raghwendra Yadav Resident Of Village - Mohanpur, P.S.- Ghailadh, District - Madhepura

..... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Govt. Of Bihar, Patna
2. The Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Director, Department Of Primary Education, Government Of Bihar, Patna
4. The District Magistrate, Madhepura
5. The District Education Officer, Madhepura
6. The District Programme Officer, Madhepura
7. The Block Development Officer, Ghailadh Block District- Madhepura
8. The Block Education Extension Officer, Ghailadh Block, District - Madhepura
9. The Mukhiya, Gram Panchayat Raj Bhatrandha Parmanandpur, Block - Ghailadh, District - Madhepura
10. The Panchayat Secretary, Gram Panchayat Raj Bhatrandha Parmanandpur, Block Ghailadh, District Madhepura
11. The District Teachers Employment Appellate Authority Madhepura Through Its Member
12. Awdhesh Kumar Son Of Late Rasikaal Yadav Resident Of Village Parmanandpur, P.S.- Ghailadh, District - Madhepura

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha
For the Respondent/s : Mr. Subhash Pd. Singh Ga7

CORAM: HONOURABLE MR. JUSTICE JAYANANDAN SINGH
ORAL ORDER

4 12-04-2012 Annexure-8 is the order of the Appellate Authority, by which the appointment of the petitioner has been cancelled and respondent no.12 has been directed to be appointed as Panchayat Teacher in his place in B.C.-I category. The finding of the Appellate Authority is that in the register of applicants, names of

Issued for Certified Copy
Patna High Court
12/04/2012

Issued for Certified Copy
Patna High Court

BIHAR
12/04/2012

10

more than 50 applicants entered. However, in the counselling only petitioner was shown as present and he was appointed. Primarily on this finding, besides other infirmities in the selection process, the appointment of the petitioner has been cancelled.

Learned counsel for the petitioner submits that, if gross irregularities in the selection process had been found, the Appellate Authority should have directed the process to be held afresh by giving opportunity to all the applicants to appear in the counselling and should not have directed for appointment of respondent no.12 only.

Learned counsel appearing for respondent no.12 submits that he has no objection if this Court directs the Employment Agency to hold fresh selection process by calling all the candidates for counselling whose names had been entered in the register and thereafter make appointment afresh in accordance with law.

In the circumstances, the order of the Appellate Authority is modified to the extent that the Panchayat Secretary is directed to take steps for holding entire process of selection afresh by giving opportunity to all the candidates who had applied for appointment in this category and then make appointments afresh in accordance with law. If the merit list of all the candidates, who were

applicants for appointment, has already been prepared, the Employment Agency shall invite objections to the same by ensuring service of notice on all the applicants by a reliable mode and thereafter shall take steps for holding counselling and shall finally select candidate in accordance with law and issue appointment letter to him against the post of B.C.-I category, positively within three months from the date of receipt/production of a copy of this order.

This writ application is disposed of with the aforesaid observations and directions

Sd/- (Jayanandan Singh, J)

Arvind/-

COPY

NOTIFIED TO BE TRUE PHOTO COPY

For Admn. Registrar (P)
Patna High Court

19/4/12

19.4.2012
30.9.12