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5/8/14

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

M.J.C No. of 2014

(Arising out of C.W.J.C. No. 19452 of 2012)

Hira Rajak

.....

PETITIONER

Versus

The State Of Bihar and others

..... OPPOSITE PARTIES

Subject:- CONTEMPT PETITION.

I N D E X

<u>S1.No.</u>	<u>Particulars</u>	<u>Pages</u>
01.	An application under Article 226 of the Constitution of India read with section 11 and 12 of the Contempt of Courts Act with affidavit.	14011
02.	Annexure-1. A photo copy of the order dated 19/02/2014 passed in C.W.J.C. No. 19452 of 2012.	12703
03.	Annexure-2. A photo copy of representation dated 25/02/2014.	14
04.	Annexure-3. The photo copy of letter no. 966 dated 30/05/2014.	15206

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C No. of 2014

(Arising out of C.W.J.C. No. 19452 of 2012)

In the matter of an
application under
Article 226 of the
Constitution of India
read with Sections 11
and 12 of the Contempt
of Courts Act;

And

In the matter of;

1. Hira Rajak s/o late sainik rajak, resident of village and Post Office Parari, Police Station Bangaon, District Madhepura.
2. Tanbir ahamd S/O Late Narul Hassan Sad resident of village and Post Office pipra Bazar, Police Station pipra district Supaul
3. Kamlesh Prasad singh S/O Shri Chandeswar Prasad Singh resident of village and Post Office Patori Dstrict Madhepura.
4. Bisheshwar Mandal S/O Shri Mauzilal Mandal R/O village BHalani, Post Office Gangapur Police Station Murliganj District Madhepura.

..... PETITIONER.

Versus

1. The State Of Bihar.
2. Mr. Motiur Rahman District Education Officer
Madhepura

3. Mr. Vinayak Pandey , District Programme
officer, (establishment), Madhepura

..... 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 petitioner
above named;

Most Respectfully Sheweth:

1. That the present petition is being preferred
for initiation of contempt proceeding against
the opposite parties who knowingly,
deliberately and willfully flouted the judicial
order dated 19/02/2014 passed by the Hon'ble

Mr. Justice Shiwaji pandey in C.W.J.C. No. 19452 of 2012 (Dayanand yadav and Oth. Vs The State of Bihar and others), whereby and whereunder the writ petition was disposed of with a direction to petitioners to filed representation before the district education officer Madhepura who will examine the matter and take a positive decision within three months from the date of filing of the representation.

2. That it is stated and humbly submitted that the connected writ petition relates for a direction to the respondents to pass appropriate orders for promotion in the trained fraduate scale taking into consideration the eligibility ,suitability and seniority among the feeder scale as well as the subsequence prayer of the petitioner for the grant of equal treatment and

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benefit which has already been granted to the juniors of the petitioner .

3. That it is stated and humbly submitted that the aforesaid writ petition was listed before a Bench consisting of Hon'ble Mr. Justice Shivaji Panday on 19/09/2014 and after hearing the parties at length your lordship was pleased to disposed of the writ petition with a direction to petitioners to filed representation before the district education officer Madhepura who will examine the matter and take a positive decision within three months from the date of filing of the representation.

A photo copy of the order dated 19/02/2014 passed in C.W.J.C. No. 19452 of 2012 is being annexed

herewith and marked as
Annexure- 1 to this
contempt petition.

4. That it is stated and humbly submitted that in pursuance of the order of the Hon'ble Court, the petitioner no 3 had preferred the detail and exhaustive representation alongwith the order of this Hon'ble Court on 25/02/2014 before the District Education Officer Madhepura which was dually received by the office of the opposite party.

A photo copy of
representation dated
25/02/2014 is annexed
herewith and marked as
Annexure-2 to this
petition.

5. That after receiving representation of the petitioner the District Programme Officer

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(Establishment) Madhepura issued notice vide letter no. 966 dated 30/05/2014 to the petitioners to submit the educational and training certificates on the date of hearing on 3/06/2014 .

The photo copy of letter no. 966 dated 30/05/2014 is annexed herewith and marked as Annexure-3 to this petition.

6. That it is stated and humbly submitted that pursuant to above direction the petitioners filed all educational/training certificate along with representation dated 3/06/2014 before District Education Officer Madhepura.

The photo copy of Representation dated 3/06/2014 is annexed herewith and marked as

Annexure-4 to this
petition.

7. That it is relevant to mention that the petitioners filed a representation alongwith relevant documents as per requirement by the opposite parties with a request to the concern authority to comply the order in true sense but the authority had not taken a proper care and the matter is pending unreasonably.
8. That it is stated and humbly submitted that the repeated efforts for the compliance of judicial verdicts not impressed the authorities which will amount to be a deliberate violation to the judicial verdicts and the concerned authorities deserve the punishment under the Contempt of Courts Act.
9. That it is stated and humbly submitted that the reason as an aforementioned is specific and obvious that the order of this Hon'ble Court

was violated, knowingly and deliberately and willfully and, as such, it is an appropriate that the show - cause notice under the Contempt of Courts Act may be issued and on after the detail hearing the necessary order of punish under the Contempt of Courts Act may be passed against the opposite parties for the deliberate violation to the judicial verdicts.

10. That the petitioners have not moved earlier before this Hon'ble Court in respect of this application.

It is, therefore, prayed that your Lordship may graciously be pleased to issue show cause notice to opposite parties as to why proceeding under the contempt of Court act be act not initiated against them and after hearing the parties be further pleased to

punish them for having violate the order dated 19/02/2014 passed by the Hon'ble Mr. Justice Shivaji Panday in C.W.J.C. No. 19452 of 2012 (Dayanand Yadav and oth versus The state Of Bihar and oth.) .

And/or

Pass such other order or orders as your Lordship may deem fit and proper.

And for this, the petitioner shall ever pray.

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Affidavit

I, Hira Rajak age about 52 s/o late sainik rajak, resident of village and Post Office Parari, Police Station Bangaon, District Madhepura, do hereby solemnly affirm and state as follows:

1. That I am petitioner of 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 fully understood with the same and same are true to my knowledge and belief.

3. That the annexures are true/photo/typed copies of their respective originals.

Noted for Certificate

[Handwritten signature]

R.O. X-1

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*MA 917
25-2-14*

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19452 of 2012

1. Daya Nand Yadav S/o Late Manohar Pd. Yadav, resident of village & P.O. Bishanpur Bazar, P.S. Kumar Khand, District Madhepura
2. Hira Rajak S/o Late Saini Rajak, resident of village & P.O. Barari, P.S. Bangaon, District Saharsa
3. Tanbir Ahmad S/o Late Nurul Hassan Sad, resident of village & P.O. Pipra Bazar, P.S. Pipra, District Supaul
4. Kamlesh Pd. Singh S/o Shri Chandeshwar Pd. Singh, resident of village & P.O. Patori, P.S. Singheshwar, District - Madhepura
5. Biseshwar Mandal S/o Sri Mauzi Lal Mandal, resident of village-Bhalani, P.O. Gangapur, P.S. Murliganj, District Madhepura

..... Petitioner/s

Versus

1. The State of Bihar.
2. The District Education Officer, Madhepura.
3. The District Programme Officer (Establishment) Madhepura.

..... Respondent/s

Appearance :

For the Petitioner/s
For the Respondent/s

Mr. Bipin Bihari Singh, Adv.
Mr. Shankar Kr. Thakur, AC to AAG 14.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-02-2014

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, petitioners are seeking relief of mandamus for consideration of their promotion in B.A. Trained Scale, as has been claimed that juniors to them have been given that scale without considering their cases.

The counsel for the petitioners submits that petitioners are teachers, were not given B.A. Trained Scale though juniors to them mentioned in paragraph 15 of this writ petition,

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have been given that benefit which amounts to hostile discrimination.

The counsel for the State submits that there is nothing on record to show of taking permission from the department for participating in B.A. examination.

The counsel for the petitioners submits that the concerned Director himself directed to consider the case of those who have improved their qualification vide Memo no. 143 dated 8th February 2013 (Annexure-7).

In this view of the matter, petitioners are directed to file representation before District Education Officer, Madhepura who will examine the matter and take a positive decision within three months from the date of filing of the representation.

With the aforesaid observation and direction this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

COPY

CERTIFIED TO BE TRUE PHOTO COPY

24.2.14

For Joint Registrar (J)

Patna High Court

Authorizing Officer

A. A. ...
A.S.C.
21.2.2014

१/८

Annex-2

14

दिनांक: जिला मिहना पटाईकारी मधेपुरा

विषय: स्वतंत्र प्रभिक्षित वेलनमान के सम्बन्ध में
महामात्र

उपरोक्त विषयक के संदर्भ में C.M.J.C 19452
वर्ष 2012 में पारित आदेश के अंतर्गत में स्वतंत्रकनसा
एवं विद्यमान वेलनमान में हम लोगों को प्रतिकारित करने हेतु
पारित आदेश की प्रति जमा कराई जा रही है।

अतः श्रीमान रा नम निवेदन है कि प्रतिकारित
द्वारा की कृपा की जाये।

अनुसूचक: - ① C.M.J.C
19452/2012 में दिनांक
19.02.2014 में पारित
आदेश की छाया प्रति।

विश्वप्रभामन

①

तनवीर अहमद

सहायक

उपकांसि मण्डि 0 पबलडा

मधेपुरा

25/02/14

महाराष्ट्र

कार्यालय जिला शिक्षा पदाधिकारी मधेपुरा
(स्थापना शाखा)

(15)

पत्रांक 966 /

प्रेषक :- जिला कार्यक्रम पदाधिकारी
स्थापना, मधेपुरा।

सेवा में,

श्री दयानंद चावक, स० वि० मा० वि० श्यामिणी कुमारेण
श्री डीश राजकु, स० वि० मा० वि० तखीउबाबा, मधेपुरा
श्री कामेश्वर प्र० लिउ, स० वि० मा० वि० वज्रमौल, मधेपुरा
श्री विठ्ठलेश्वर मंडल, स० वि० मा० वि० तनपदीनेलथीबाबा
श्री तनवीर अहमद, स० वि० मा० वि० पथरावा, मधेपुरा
मधेपुरा दिनांक 30/5/14

विषय :- दिनांक 03-06-2014 को सुनवाई में भाग लेने के
संबंध में।

महाराष्ट्र

उपर्युक्त विषय के आलोक में सी० डब्ल्यू जी० जी०
नू० 19452/12 में माननीय उच्च न्यायालय पटना में पारित आदेश
के संदर्भ में उक्त वाद हेतु तद्विषय दिनांक 03-06-2014
को 02 वर्ज अथराउन में जिला शिक्षा पदाधिकारी मधेपुरा
के कार्यालय केस में सुनवाई की सिद्धि विधायित की गई है।
अतः आप सर्वो को हे अनुरोध है कि विधायित
सिद्धि/समय एवं आन पर अपना-अपना अभी ही कार्यालय/
सर्वोकार्यालय सेवा काल में कदाभी अपनी योग्यता संबंधी
विनाशाय भावेक एवं अन्य शकत कारणात मूल रूप तथा धारण
प्रति के साथ सुनवाई में भाग लेने का कष्ट किया जाय
ताही अक्षतर होचक की जा धते।

विभागाध्यक्ष

(15) 5/14
जिला कार्यक्रम पदाधिकारी
स्थापना, मधेपुरा

30/5/14

स्वाधे: जिला शिक्षा पदाधिकारी, मयैपुरा (स्थापना शाखा)

विषय: पत्रांक 966 दिनांक 30/05/2014 के आदेशानुसार पत्र ने आलीक में सभी शैक्षणिक/प्रशिक्षणिक प्रमाण पत्र के साथ उपरि उल्लेखित होने के सम्बन्ध में

महाराज

उपरि उल्लेखित पत्रांक जिला कार्यलय पदाधिकारी (स्थापना) मयैपुरा 966 दिनांक 30/05/2014 के आदेश के अनुपालन में निर्धारित दिनांक 03/06/2014 सम्म 2-10 वर्षे अग्रवाल के माननीय उच्च न्यायालय पटना में पारित आदेश सी० डब्ल्यू जी० सी० न० 19452/12 के आदेश निर्गत है। साथ ही गुण के अनुसार शैक्षणिक/प्रशिक्षणिक प्रमाण पत्र के साथ हम सभी शिक्षक/गण उपरि उल्लेखित

आला क्षमा से नमूने विवेक है कि गुणवर्ती में उपरि उल्लेखित होने के पर्याप्त लक्षणों की मान्यता पर विचार किया जाये।

विष्ठावर्णना

① ज्ञानाध्यक्ष, मयैपुरा

② बीरा रजक, र. वि० म० वि० क० सिखवाहा, मयैपुरा

③ कर्माध्यक्ष, मयैपुरा

④ विमोक्ष मंडल कश्चि० क० शमपदी
मैलाडी मयैपुरा

⑤ अनवरत, मयैपुरा

दिनांक 03-06-2014