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13/03/15

IN THE HIGH COURT OF JUDICATURE AT PATNA.

(Miscellaneous Judicial Jurisdiction.)

M.J.C.No. of 2015

(Arising out of order dated 18.03.2008 passed in
C.W.J.C.No.12282/2005)

Lakshmi Narain Yadav Petitioner.

Versus.

The State of Bihar and others. Respondents.

Sub- Contempt matter.

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GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT
PATNA SCORE PATNA
COURT FEE
Authorization No. 2676



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बिहार
JUDICIAL
11.3.2015
BIHAR

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IN THE HIGH COURT OF JUDICATURE AT PATNA.

(Miscellaneous Judicial Jurisdiction.)

M.J.C.No. of 2015 (Contempt)

(Arising out of order dated 18.03.2008 passed in C.W.J.C.No. 12282 of 2005.)

In the matter of an application
Under Article 215 of the
Constitution of India read with
Section 12 of the Contempt of
Court Act.

And

In the matter of ;

Lakshmi Narain Yadav Son of Late Deodatta Prasad Yadav,
resident of Village- Ketawan, P.O. Kataiya P.S.-
Singheshwar Sthan, District- Madhepura.

..... Petitioner.

Versus.

1. The State of Bihar. Through Saeedatony
Higher Education Govt of Bihar

2. The B.N. Mandal University Madhepura through its Registrar,
3. The Vice-Chancellor, B.N. Mandal University Madhepura District Madhepura.
4. The registrar, B.N. Mandal Madhepura, District Madhepura
5. The Principal, K.P. College Murliganj District Madhepura.

..... Opposite parties.

To,

The Hon'ble ^{L. Narasimha Reddy} Justice ~~Rekha M. Dohit~~, the Chief Justice of the High Court of judicature at Patna and her companion Justices of the said Hon'ble Court.

The humble application on behalf of the petitioner named above.

Most Respect fully Sheweth :-

1. That this is an application for issuance of Rule of contempt against the opposite parties for their willful

disobedience for order dated 18.03.2008 passed by Hon'ble Mr. Justice Mihir Kumar Jha in C.W.J.C.No. 12282 of 2005, with a prayer to convict the opposite parties and punished them suitably for disobeying the aforesaid order and undo the injustice caused to the petitioner by the opposite parties.

2. That the petitioner was appointed on the post of Clerk by the Secretary of K.P. College, Murliganj on 01.06.1969 at the time of establishment of K.P. College Murliganj and the said appointment was duly approved by the Governing Body of the college in its meeting no. 39 dated 14.05.1972.
3. That a notification was issued on 26.08.1998 regarding substantive appointment and petitioner's name in the said list finds place at Sl. No. 12 wherein the date of appointment and date of joining has been shown as 01.06.1969.
4. That a notification was issued by the B.N. Mandal University Lalo Nagar Madhepura vide memo

no.(463/2000)-1167 dated 20.08.2002 by which fourteen persons were granted promotion out of which Dip Narayan Yadav, Shatrughan Chaudhary and Gajendra Prasad Yadav were promoted as Assistant. The petitioner, who is senior to the said persons as per the date of appointment has not illegally been promoted by the respondents causing discrimination to the petitioner.

5. That petitioner filed the C.W.J.C. No. 12282 of 2005 for directing the respondents to give the benefit of promotion and grant the higher pay scale accordingly from the date the persons Junior to the petitioners namely Dip Narayan Yadav, Shatrughan Choudhary, Gajendra Prasad and others have been given promotion to the post of Assistant and have been granted higher pay scale than the petitioner, giving the petitioner all legal and consequential benefits including Arrear of salary, Seniority and others

benefits for which the petitioner is found entitled in this facts and circumstances of the case.

6. That the C.W.J.C. No. 12282 of 2005 was dismissed as withdrawn on 18.03.2008 directing the respondents if the petitioner files a representation highlighting his grievances against the order of promotion, the same shall be considered and disposed of in accordance with law within a reasonable period.

Copy of the order dated
18.03.2008 passed in C.W.J.C.
No. 12282 of 2005 is annexed
herewith and marked as
Annexure-1 to this application.

7. That, the petitioner filed his representation on 06.11.2008 in view of aforesaid order of the Hon'ble High Court before the Registrar requesting him ^{give} to him promotion considering the fact that some juniors persons have been granted promotion.

A true Photo copy of the representation dated 06.11.2008 is annexed herewith and marked as Annexure-2 to this application.

8. That petitioner again and again filed representations on 14.05.2009 , 22.07.2009 and 18.04.2009 repeated by requesting the opposite parties for considering his case for promotion in view of the order passed by the Hon'ble Court but no any action was taken.

A true Photo copy of the representation dated 14.05.2009, 22.07.2009 and 18.04.2009 are annexed herewith and marked as Annexure-3 Series to this application.

9. That petitioner lastly filed his representation on 26.11.2012 before the Registrar B.N. Mandal

University requesting him to consider his case of Promotion in view of the order of the Hon'ble Court but even then no action in this regard was taken by the opposite parting.

A true Photo copy of the representation dated 26.11.2012 is annexed herewith and marked as annexure-4 to this application.

10. That in the facts and circumstances stated above it is stated that the opposite parties have disobeyed the order of this Hon'ble Court deliberately and willfully and there they are liable to be convicted and punished suitably for their willfull disobedience.
11. That the petitioner has not filed any contempt application in connection with the instant case before this Hon'ble Court.

It is, therefore prayed that your Lordships may graciously be pleased to admit the issue notices to the opposite parties and after hearing the parties be further pleased convict the opposite parties and punish them suitably and be further pleased to undo the injustice bearing caused to the petitioner.

And for this the petitioner shall ever pray.

AFFIDAVIT.

I, Lakshmi Narain Yadav aged about 70 years, Son of Late Deodatta Prasad Yadav, resident of Village- Ketawan, P.O. Kataiya P.S.- Singheshwar Sthan, District- Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That the contents of this affidavit and petition have been read over and explained to me in Hindi which I have fully understood and the same are true to my knowledge and belief.
3. That the annexures are photo copy of their originals respectively.

Lakshmi Narain Yadav

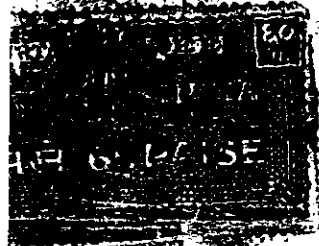
Ann. 1

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W. C. Sch. III-5)

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order
3	18.03.2008	<p>IN THE HIGH COURT OF JUDICATURE AT PATNA CWJC No. 12282 of 2005</p> <p>LAKSHMI NARAYAN YADAV Versus THE STATE OF BIHAR & ORS</p> <p>*****</p> <p>After some arguments, learned Counsel for the petitioner seeks permission to withdraw this writ application in order to avail the internal remedy against the order of promotion issued in favour of his juniors.</p> <p>This writ application is accordingly dismissed as withdrawn.</p> <p>It goes without saying that if the petitioner files a representation highlighting his grievance(s) against the order of promotion, the same will be considered and disposed of in accordance with law within a reasonable period.</p>	



Sd/- Mihir Kumar Jha, J.

Handwritten notes:
2874108
19V30

CERTIFIED TO BE TRUE PHOTOCOPY
Signature
 For Joint Registrar (J)
 Patna High Court
 28.4.2008
 Authorised Under Section 1 of 1872

सेवा में

श्री गणेश

ग्राम पंचायत

विषय: - न्यादेश के आदेश में जो न्यायिक अधिकार

महाशय

निवेदन है कि श्री गणेश जी का नाम न्यायिक अधिकार में 1-6-69 को लिखा गया था। भरी सेवा 31-7-2005 में समाप्त हो गई। कनीय लिपिक एवं अंडरपाय, जिला न्यायालय में हैं, उन्हें जो न्याय दी गई है, उसे न्यायालय में भी, उन जो न्याय पाये हैं, उसे न्यायालय में दर्ज की जा रही है: -

- (1) श्री दीपना यादव लिपिक - 1978
- (2) श्री जयेंद्र यादव लिपिक - 1978
- (3) श्री शशुष चोपड़ा अंडरपाय

माननीय न्यायाधीश, न्यायालय के आदेश में C.W.J.C No-12282/2005 के आदेश के अनुसार न्यायालय में अपना अभ्यावेदन दे रखे हैं। न्यायालय में करने की सुझाव दी गई है। न्यायालय परना न्यायादेश संख्या न्यायालय में जा रहे हैं।

6/11/08

दिनांक - 6-11-08

लिपिक (वि. नि. 12)
न्यायालय में

Amn & Series

(12)

To

(1) The Hon'ble Vice Chancellor
B.N.M.U , Madhepura.

(2) The Registrar
B.N.M.U., Madhepura

Subject: - Regarding compliance of the judgement in
the case no. C.W.J.C. No. 12282/2005

REMINDER

Sir,

With reference to the above mentioned subject,
I have to call your attention about this fact that
in compliance to the aforesaid order in the case
no. C.W.J.C. No. 12282/2005, I applied before the
University on 06.11.2008 regarding my promotion
but till date I am not promoted. It is mindable
here that violating the provisions of Indian consti-
tution so many juniors are promoted but I am not.
However, I am a retired person.

I hereby attaching again the Photo copies
of my application dated 06.11.2008 and the order
passed in the aforesaid case by the Hon'ble High
court, Patna.

Hope you will give me my proper right and
oblige.

Enclosures

As mentioned above

Receipt
P.G.
14/15/08

At - 14/5

17/1
o/c

To
The Hon'ble Vice-Chancellor,
B.N.M.U, Madhepura.

✓ The Registrar
B.N.M.U, Madhepura.

Subject: Regarding compliance of the Judgment in
the case no - C.W.J.C. No 12282/2005

SECOND REMINDER.

Sir,

With reference to the above mentioned subject,
I have to call your kind attention upon this fact that
in compliance to the judicial order in the case no.
C.W.J.C. no. 12282/05. I prayed before the university
on 06.11.2008 and on 14.05-09 regarding my promotion,
but till date, I am not promoted. However, the university
promoted many others who are Junior to me. Such kind of
actions are violation of the Indian constitution. My cries
are keeping in the waste papers box. Now, I am retired.

I therefore crying again to promote me and
issue justice in my favour and oblige.

Yours Faithfully
Lakshmi Narain Yadav.

At - Ketawan
P.S. Singheshwar Ashram
Dist - (Madhepura)
Dt - 22-8-09

29/8/09
21/8/09

To,

(1) The Hon'ble Vice Chancellor

B.N.M.U. Madhepura.

✓ (2) The Registrar ,

B.N.M.U. Madhepura.

Sub : Regarding compliance of the Judgement in the case No C. J. C. No- 12282/05 " THIRD REMINDER "

Sir,

With reference to the above noted subject , I have to call Your kind attention upon this fact that in compliance to the aforesaid order in the case No. C.W.J.C. No 12282/ 05, I prayed before the university on 06.11.2008, 14.05.2009 and on 22.07.2009 regarding my promotion but till date I am not promoted . However the university promoted many others, who are Junior to me . Such kind of actions are violation of the Indian constitution . My cries are kept in the waste paper box forgetting that I am a retired person .

I here by crying again lastly . If the university will not solve my problem , I will file the in the judicial court .

Lakshmi Narain Yadav
18/9/2009
Yours faithfully

Lakshmi Narain Yadav

At :- Ketwan

P.S. singheshwar

Dist. Madhepura

Date :

सेवा में, कुलपति महोदय
भू० ना० मंडल वि० वि० मंथपुरा ।

श्रीमान् कुलसचिव महोदय
भू० ना० वि० वि० मंथपुरा ।

विषय : - उच्च न्यायालय पटना केश नं० - C.W.J.C. No -
12282/2005 के जजमेन्ट के कारनामों के आर्गेंट में ।

मराशय

निवेदन है कि मैंने उच्च न्यायालय में प्रेन्सि-
इतु मुकदमा दायर ~~किया~~ 2005 में किया था, जिसका
फैसला 18-3-2008 में हुआ। उच्च न्यायालय का आदेश
ध्याया प्रति इस आवेदन में संलग्न है।

उच्च न्यायालय के आदेशानुसार विश्वविद्यालय
को प्रेन्सि करने को कहा था, जिसका अभी तक
मुझे विश्वविद्यालय द्वारा किसी भी तरह का आदेश
पारित नहीं किया है इसके पूर्व में तीन बार विश्व-
विद्यालय को रिमांडर भी दिया है जिसकी प्रत इस
आवेदन में संलग्न है। तीन बार आवेदन देने के
पश्चात भी कोई भी आदेश विश्वविद्यालय से पारित
नहीं किया गया। अन्त में मैं मजबूर होकर उच्च न्यायालय
का पुनः शरण लेने को बाध्य कर दिया है।

अतः श्रीमान् से आग्रह है कि इस आवेदन
पर को स्वीकृत कर अविलम्ब उचित कारनामों को
रुपा प्रदान की जाए,

Receipt
[Signature]
[Signature]

दिनांक - 26/11/2012

विश्वनाथ गजतः -
लक्ष्मी नारायण यादव
"लिपिद्व" [सैकानिहृत]
के०पी० कॉलेज, मुत्सोकंज
जिला - मधेपुरा