
(2010) 04 PAT CK 0219

In the Patna High Court

Braj Kishore Singh @ Brij Kishore Singh

APPELLANT

Vs

The State of Bihar, Afzal Amanullah, Home Secretary, Govt. of Bihar, Shiv Kumar, Inspector General of Police and Bihar State Staff Selection Commission thru. its Chairman

RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Citation : (2010) 04 PAT CK 0219

Hon'ble Judges : Shiva Kirti Singh, J;C.M. Prasad, J

Bench : Division Bench

Judgement

1. Heard learned Counsel for the petitioner, learned Counsel for the State and learned Counsel for O.P. No. 4, Bihar State Staff Selection Commission (hereinafter referred to as the "Commission").
2. This contempt petition was filed on 5th March, 2009 seeking action against the State of Bihar, its Home Secretary and Inspector General of Police for not complying with the part of final judgment and order passed by Division Bench of this Court on 21.8.2008 in L.P.A No. 350 of 2006.
3. Relevant direction which has been allegedly not complied required filling up of the vacancies in the post of driver in Jail Department within a period of six months from the date of the order. The period of six months counted from 21.08.2008 expired before the contempt petition was filed.
4. On considering the show-cause of the State and its officials, it transpires that much after filing of the contempt petition by letter dated 14.12.2009 issued from the office of I.G.(Prison), the Commission has been requested for making selection and recommendation of suitable candidates with a further request to complete the process within six months. In the aforesaid circumstances, this Court permitted the petitioner to implead the Commission as one of the Opposite Parties. Today, a show-cause has been filed on behalf of the Commission accepting the receipt of letter dated 14.12.2009. Thereafter, the Commission

requested the I.G. (Prison) through a letter dated 03.02.2010 to furnish the name of the Nodal Department which is required in view of the policy decision of the State Government contained in a Circular. A reply dated 25.02.2010 from the Department of Prison (Home) has clarified that the Nodal Department is Department of Finance. The draft of the proposed advertisement inviting application for filling up the vacant posts of the driver appears, to have been sent for approval of the Finance Department on 31.03.2010 and approval of the Nodal Department is still awaited.

5. The aforesaid facts clearly show that the time limit fixed by this Court for filling up the vacancies has not been kept in mind by the State of Bihar and its authorities. They have taken their own time in taking various decisions and request to the Commission has been made after 15 months from the date of the order of the Division Bench. Since delay has already occurred, it is not deemed proper to take any action for that delay but all the concerned authorities including the Nodal Department, the Prison Department and the Commission are directed to be careful in future and ensure that the requisites steps are taken promptly and selection process is completed without any delay within the time of six months indicated in the order of the I.G. Prison (Home) dated 14.12.2009. In other words, the selection process should be completed latest by June, 2009. In case, it cannot be completed, the Commission as well as the State of Bihar may be required to fix the responsibilities upon the concerned official responsible for delay so that such officer may be subjected to penalty so that the petitioner may be compensated suitably.

6. At this stage learned Counsel for the Commission submits that the period of six months for filling up the vacancy should commence from today because Commission was not a party to the proceeding in which Division Bench had passed order and it has been made a party recently to this contempt application. In that view of the matter, we extend the period for completing the process of selection to August, 2010 but the observations made above for taking action against the persons responsible for delay shall be applicable if the period fixed above is not kept in mind by the concerned authorities.

7. The contempt petition is disposed of.