

(2019) 09 PAT CK 0132

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 38 Of 2018, Civil Writ Jurisdiction
Case No. 5614 Of 2013

Vijay Kumar

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0132

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Binod Kumar Singh, Sanjay Kumar

Final Decision : Disposed Off

Judgement

1. Heard learned counsel for the petitioner and learned AC to AAG 3 for the State.
2. The petitioner has moved the Court alleging willful and deliberate disobedience of the order dated 30.08.2017 passed in CWJC No. 5614 of 2013, by which an exercise was directed to be carried out by the District Magistrate, Patna with regard to the preparation of panel relating to appointment on Class IV posts in the district.
3. The opposite parties have filed show cause in which the proceeding of the meeting dated 08.12.2018 has been brought on record which indicates that there were only seven vacancies and the petitioner could not be considered being at Serial No. 45 because posts were not available.
4. Learned counsel for the petitioner submitted that he has material to show that there were more than sufficient posts and the plea of the same not being available is absolutely incorrect.
5. Copy of the show cause has been served on learned counsel for the petitioner on 21.01.2019 and till date nothing having been brought on record to indicate that there were more vacancies available to be filled up, the Court would not

proceed in the matter of alleged contempt.

6. Accordingly, the application stands disposed off.

7. However, it shall be open for the petitioner to move before the appropriate forum, in accordance with law, if there are materials to show that what has been stated on oath in the present proceeding is false as also with regard to any claim which the petitioner may have with regard to the merits of the matter.