

Serial  
No. of  
Order

Date of Order

ORDER WITH SIGNATURE

Office notes as to action

(if any) taken on order.

10. 8.3.2006.

IN THE HIGH COURT OF JUDICATURE AT PATNA  
M.J.C. NO. 2548 OF 2001  
Md. Ishrafil Vs. The State of Bihar & Ors.

Heard Mr. Kalika Nandan for the petitioner, Mr. Prabhakar Tekriwal, learned Standing Counsel No.1 for the opposite party Nos. 1 to 3, and Dr. Sada Nand Jha for opposite party No. 4 (Chairman, Bihar Public Service Commission, Bailey Road, Patna).

2. This application under Section 11 of the Contempt of Court Act has been filed for the alleged non-implementation of the order dated 31.3.1998 (Annexure-3), passed by a learned Single Judge of this Court in a contempt application bearing M.J.C. No. 2231 of 1998 (Hridayal Kumar and others Vs. The State of Bihar & Ors.), which, in its turn, was filed for the alleged non-implementation of the judgment dated 3.2.1998, passed by a learned Single Judge of this Court in C.W.J.C. No. 1376 of 1997 (Hridayal Kumar and others Vs. The State of Bihar & Ors.). The petitioner alleges that this Court on both the occasions had directed that appointments to a large number of posts including those of Labour Enforcement Officer, Department of Labour, Government of Bihar, shall be made in accordance with the directions made therein, and the established procedure.

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order.																																										
		2																																											
		<p>A copy of the judgment in C.W.J.C. No. 1376 of 1997 has been placed before me, Paragraph no. 21 and portion of paragraph no. 23 of which are relevant in present context and is set out hereinbelow for the facility of quick reference: -</p> <p>"21. Admittedly, the posts which are to be filled up out of the 3rd Examination, in different Departments, are given below: -</p> <table border="1"> <thead> <tr> <th data-bbox="406 795 949 840">Name of the Department</th> <th data-bbox="965 795 1061 862">Name of the Posts</th> <th data-bbox="1268 795 1572 952">No. of existing vacancies which fell vacant upto 31st December, 1993</th> </tr> </thead> <tbody> <tr> <td>1. Road Construction Department</td> <td>Research Assistant</td> <td>15</td> </tr> <tr> <td>2. Rural Development Department</td> <td>Sankhiki Anwesak</td> <td>11</td> </tr> <tr> <td>3. Transport Department</td> <td>Statistician</td> <td>02</td> </tr> <tr> <td>4. Health Department</td> <td>Malaria Inspector</td> <td>36</td> </tr> <tr> <td>5. Planning &amp; Development Department</td> <td>a) Sr. Statistical Assistant</td> <td>27</td> </tr> <tr> <td></td> <td>b) Block Statistical Supervisor</td> <td>198</td> </tr> <tr> <td>6. Agriculture Department</td> <td>a) Weights &amp; Measurement Inspector</td> <td>09</td> </tr> <tr> <td></td> <td>b) Asstt. Research Officer</td> <td>16</td> </tr> <tr> <td></td> <td>c) Statistical Asstt.</td> <td>20</td> </tr> <tr> <td></td> <td>d) Statistical Estimator</td> <td>06</td> </tr> <tr> <td>7. Welfare Department</td> <td>Block Welfare Officer</td> <td>11</td> </tr> <tr> <td>8. Fisheries Department</td> <td>a) Fish Extension Supervisor</td> <td>20</td> </tr> <tr> <td></td> <td>b) Fish Extension Officer</td> <td>15</td> </tr> </tbody> </table>	Name of the Department	Name of the Posts	No. of existing vacancies which fell vacant upto 31st December, 1993	1. Road Construction Department	Research Assistant	15	2. Rural Development Department	Sankhiki Anwesak	11	3. Transport Department	Statistician	02	4. Health Department	Malaria Inspector	36	5. Planning & Development Department	a) Sr. Statistical Assistant	27		b) Block Statistical Supervisor	198	6. Agriculture Department	a) Weights & Measurement Inspector	09		b) Asstt. Research Officer	16		c) Statistical Asstt.	20		d) Statistical Estimator	06	7. Welfare Department	Block Welfare Officer	11	8. Fisheries Department	a) Fish Extension Supervisor	20		b) Fish Extension Officer	15	
Name of the Department	Name of the Posts	No. of existing vacancies which fell vacant upto 31st December, 1993																																											
1. Road Construction Department	Research Assistant	15																																											
2. Rural Development Department	Sankhiki Anwesak	11																																											
3. Transport Department	Statistician	02																																											
4. Health Department	Malaria Inspector	36																																											
5. Planning & Development Department	a) Sr. Statistical Assistant	27																																											
	b) Block Statistical Supervisor	198																																											
6. Agriculture Department	a) Weights & Measurement Inspector	09																																											
	b) Asstt. Research Officer	16																																											
	c) Statistical Asstt.	20																																											
	d) Statistical Estimator	06																																											
7. Welfare Department	Block Welfare Officer	11																																											
8. Fisheries Department	a) Fish Extension Supervisor	20																																											
	b) Fish Extension Officer	15																																											

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE 3	Office notes as to action (if any) taken on order.
			c) Fish Inspector 01
		9. Revenue & Land Reforms Department	Circle Inspector 42
		10. Science & Technology Deptt.	a) Laboratory Asstt. 13
			b) Laboratory Asstt. (attached with Engineering College/ Polytechnic). 01
		11. Finance (Commercial Taxes) Department	Statistical Clerk 02
		12. Home (Special) Department	Receptionist 03
		13. Forest Department	a) Statistics(Sankhata) 02
			b) Statistical Asstt. 04
			c) Statistical Supervisor 01
			<u>Total</u> 455 posts

Apart from the aforesaid posts, there are about 306 posts of Health Educator in the Health Department. However, exact number of such post is to be verified by the State, which may increase or decrease. In any case, requisition is to be made thereafter.

Other posts to be ascertained and if vacancies remained in existence upto 31st December, 1993, are to be filled up out of 3rd Examination, relating to which details have been shown by the petitioners, as hereunder: -

1. Welfare Department	a) Statistical Assistant 14 (Divisional level)
	b) Statistical Assistant 71 (Directorate of Social Welfare)
2. Directorate of Panchayati Raj	Village Panchayat Supervisor 07

The petitioners have stated that requisition for the post of Village Panchayat Supervisor has already been made.

23. So far as the posts of Health Educator, Statistical Assistant of Divisional Level and Directorate of Social Welfare of Welfare Department are concerned, the competent authority/Secretary/Head of Department will

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order.
---------------------	---------------	----------------------	--

first ascertain the vacancies upto 31st December, 1993 which are still lying vacant and make such requisition, if not yet made, to the B.P.S.C. within three months from the date of receipt/production of a copy of this judgment."

It is manifest on a plain reading of the direction in the judgment extracted hereinabove that the post of Labour Enforcement Officer in the Department of Labour was not in question in the writ petition and obviously, therefore, could not have been the subject matter of the said M.J.C. No. 2231 of 1998. In spite of repeated queries, learned counsel for the petitioner has not been able to satisfy the Court that any direction was issued in the writ petition or the contempt application with respect to the post of Labour Enforcement Officer, and the present petitioner was a petitioner therein.

4. It thus appears to me to be that this is a frivolous application and is accordingly rejected.

*Sd/- S. K. Katrivas, J.*

DECLARED TO BE TRUE PHOTOCOPY

*Manjee Singh*

For Joint Registrar (J) - 4/4/2006 -  
Patna High Court

Authorized U/S 76 Act 1 of 1877

*[Signature]*

*[Signature]*

4/4/2006

*[Signature]*