IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2663 of 2019

In

Civil Writ Jurisdiction Case No.13644 of 2016

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1. Bihar State Road And Building Construction Employees Union Gope Group through Fakruddin Ali Ahmad, General Secretary, S/o- Late Md. Nizamddin, resident of Village- Mahawat Toli, P.O. and P.S. Bettiah, Dist.- West Champaran, posted as Correspondence Clerk, Road Construction Department, Shahabad, Road Division, Ara, Bhojpur.
2. Neeraj Kumar S/o Late Yatindra Prasad Sinha resident of Urmila Sadan, Ply Wood Factory, Bachachak, P.S. Phulwarisharif, District- Patna posted as Correspondence Clerk, N.H. Works Circle, Patna.
3. Md. Hasnianuddin S/o Late Niyamat Nabie resident of Mohalla- New Millate Colony- 2 Phulwarisharif, Patna, posted as Head Clerk, Central Building Division, Patna.
4. Sudhir Prasad Sinha S/o Late Gajendra Prasad resident of Village- Jhoajpur, PO- Pastra, Bailgaon, District- Vaishali, Retired from Correspondence Clerk, Electric Work Division No. 1 Building Construction Department, Patna.
5. Santosh Kumar S/o Late Tapi Yadav resident of Village- Jagdeo Nagar Gali No. 4, Anaith, P.S.- Nawada, District- Bhojpur, Arah posted as LDC, R.W.D. Works Division, Piro, Bhojpur.
6. Jitendra Singh S/o Late Rajgrihi Singh resident of Village- Jitwadih, P.O.- Atimi, P.S- Nawa Nagar, District- Buxar, LDC, RWD Works Division, Jagdishpur, District- Bhojpur.
7. Shriman Narayan Singh S/o Late Dashrath Singh resident of Mohalla- 69/ Indra Nagar Rajapur, P.O.- G.P.O., Patna, P.S.- Patliputra, District- Patna, posted as L.D.C. N.H. Mechanical, Patna.
8. Santosh Kr. Tiwari S/o Late Vishwamitra Tiwari resident of Mohalla- Hare Krishna Colony, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas, posted as Correspondence Clerk, NH Mechanical Division, Dehri-On- Sone, Rohtas.
9. Abhinay Kumar S/o Late Baleshwar Prasad Sah resident of Village- Anant Patna High Court CWJC No. 9633 of 2016 dt. 27-02-2019 9/14 Kamtaul, P.S. Kudhani, District- Muzaffarpur, posted as Correspondence Clerk, BCD, Building Division, Muzaffarpur.
10. Sanjeev Kumar Trivedi S/o Late Lal Narayan Trivedi resident of B/10 Officer Colony, P.S.- Sikandarpur, District- Muzaffarpur, posted as LDC, R.C.D. Mechanical Division, Muzaffarpur.
11. Lal Mohan Prasad S/o Late Akhleshwar Prasad resident of Village- Taiyabapur, P.S. Mahnar, District- Vaishali posted as Correspondence Clerk, NH Mechanical Division, Dehri-on Sone, Rohtas.
12. Sachita Kumar Tiwari S/o Late Rajeswar Singh resident of Village- Goriakothi, District- Siwan, posted as Correspondence Clerk, NH Mechanical Division, Dehri-on Sone, Rohtas.
13. Sanjay Kumar Tiwari S/o Late Ramanand Tiwari resident of Mohalla- Shiv Colony, Fazalganj, P.S. Sasaram, District- Rohtas, posted as Correspondence

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Clerk, Sone Canal Circle, Water Resource Department, Ara, Bhojpur.

14. Prakash Deep S/o Late Prabhat Kumar Sinha resident of Mohalla- Mahaetwa Road, Bazhuwa Gali, Ara, posted as LDC Sone Canal Circle, W.R.D. Arah, Bhojpur.

15. Akhilesh Kumar S/o Late Gobardhan Ram resident of Mohalla- Jalalpur, P.S. Kandawa, District- Chandauli, Uttar Pradesh, posted as L.D.C. Ganga Pump Nahar Division, WRD Chausa, Buxar.

16. Arbind Kumar S/o Late Rameshwar Rai resident of Village- Rampur, Via Chausa, P.S. Rajpur, District- Buxar, posted as Correspondence Clerk, WRD Sone Nahar Pramandal, Buxar.

17. Madan Prasad Singh S/o Late Ramashraya Singh resident of Village and P.O. Doiyan, P.S. Dinara, District- Rohtas, posted as Correspondence Clerk, Sone High Level Canal Division, WRD Sasaram, Rohtas.

18. Kaushal Kumar Mishra S/o Late Kamala Kant Mishra resident of Village- Turki Brahman Toli, P.S. Minapur, District- Muzaffarpur, posted as Correspondence Clerk, NH Mechanical Division, Dehri-on Sone, Rohtas.

19. Pawan Kumar Rai S/o Late Prayag Lal Rai resident of Village- Dariyapur, P.S. Fatuha, District- Patna posted as LDC NH Mechanical Planning Division, Patna.

20. Anil Kumar Choudhary S/o Late Ram Ratan Choudhary resident of Mohalla- B/34, Alkapuri Garden, P.O.- Anishabad, District- Patna, posted as LDC, NH Mechanical Planning Division, Patna.

21. Rakesh Raushan S/o Late Ahshayawt Paswan resident of Village-Amraur, P.O. Singhoul, District- Begusarai, posted as LDC, N.H. Mechanical Division, Nawada.

22. Manish Ranjan S/o Late Mrigendra Kumar Sinha resident of Gayatri Nagar, Motihari, District- East Champaran, posted as L.D.C., NH Mechanical Division, Muzaffarpur.

23. Rabindra Pathak S/o Late Gorakhnath Pathak resident of Village- Jasso, P.O. and District- Buxar, posted as Correspondence Clerk, Ganga Pump Nahar Division, WRD Chousa, Buxar.

24. Abhay Kisor S/o Late Ishwar Dayal Ram resident of Village- Mahadah, P.S. Buxar Muffasil, District- Buxar, posted as LDC Ganga Pump Nahar Patna High Court CWJC No. 9633 of 2016 dt. 27-02-2019 10/14 Division, WRD Chousa, Buxar.

25. Rina Kumari D/o Late Ganesh Dutt Sahu resident of Mohalla- Sumitra Villa Apartment Colony, P.O.- Khajpura, District- Patna posted as Correspondence Clerk NH Works Circle, R.C.D., Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through Deepak Mishra, Chief Secretary, Bihar.

2. Mr. Amrit Lal Mina, the Principal Secretary, Finance Department, Govt. of Bihar.

3. Mr. Rahul Singh, the Secretary Expenditure, Department of Finance, Government of Bihar, Patna.

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4. Mr. Amrit Lal Mina, the Secretary, Road Construction Department, Government of Bihar, Patna.
5. Mr. Arun Kumar Singh, the Principal Secretary, Water Resource Department, Government of Bihar, Patna.
6. Mr. Vinay Kumar, the Secretary, Rural Works Department, Government of Bihar, Patna.
7. Mr. Chanchal Kumar, the Secretary, Building Construction Department, Government of Bihar, Patna.
8. Mr. Chanchal Kumar, the Secretary, Energy Department, Government of Bihar, Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Opposite Party/s : Mr. Chitranjan Sinha, P.A.A.G.-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

7 20-03-2024 **I.A. No. 01 of 2024**

Heard the parties.

2. Pursuant to the last order passed by the co-ordinate bench, an Interlocutory Application No. 01 of 2024 has been preferred by the Chief Secretary, Bihar, Patna with a prayer which read as follows:-

> *"(i) exemption of his personal appearance in the Court as directed by the Hon'ble in the present contempt petition in the order dated 25.01.2024;*
>
> *(ii) for adjourning the present contempt application for consideration after disposal of SLP (C) No. 3335 of 2024 (The State of Bihar and Ors. vs. Biresh Kumar Singh and Ors.) and analogous matters by the Hon'ble Supreme Court."*

3. Learned State Counsel has taken this Court to

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paragraph- 6 which read as follows:-

> *" That it is respectfully stated and submitted that the State Government thereafter filed special leave petition in the Hon'ble Supreme Court vide Diary No. 4071/2024 in L.P.A. No. 764 of 2019. The said S.L.P. was taken up for adjudication on 16.02.2024 by Hon'ble Supreme Court along with SLP (C) No. 3335 of 2024 (filed in L.P.A. No. 766 of 2019) and analogous cases and the Hon'ble Supreme Court has been pleased to issue notice to the respondents and has been pleased to stay the further proceedings of the M.J.C. No. 2663 of 2019 pending before this Hon'ble Court."*

4. In view of the aforesaid facts, both the prayers of I.A. No. 01 of 2024 stands allowed.

5. I.A. No. 01 of 2024 stands disposed of.

M.J.C. No. 2663 of 2019

Let the matter come up after the disposal of SLP (C) No. 3335 of 2024.

(Rajiv Roy, J)

Neha/-

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