

Suresh Kumar Sah Vs. D K Tiwari Principal Secretary Human Resources Development Department and Anr

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Court : Jharkhand

Decided On : Jan-22-2016

Appellant : Suresh Kumar Sah

Respondent : D K Tiwari Principal Secretary Human Resources Development Department and Anr

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cont. Case (Civil) No. 59 of 2013 with Cont. Case (Civil) No.160 of 2013 with Cont. Case (Civil) No.186 of 2013 with Cont. Case (Civil) No.189 of 2013 with Cont. Case (Civil) No.232 of 2013 with Cont. Case (Civil) No.292 of 2013 with Cont. Case (Civil) No.317 of 2013 with Cont. Case (Civil) No.325 of 2013 with Cont. Case (Civil) No.344 of 2013 with Cont. Case (Civil) No.416 of 2013 with Cont. Case (Civil) No.423 of 2013 with Cont. Case (Civil) No.465 of 2013 with I.A. Nos. 4840 of 2014, 4837 of 2014, 4834 of 2014, 4838 of 2014, 4841 of 2014, 4831 of 2014, 4833 of 2014, 4832 of 2014, 4836 of 2014, 4835 of 2014, 4842 of 2014 & 4839 of 2014 ----- Cont. Case (Civil) No. 59 of 2013: Jhapsi Das son of Late Bhado Das resident of Village-Bandar Jori, Harijan Colony (C.J.M. Colony) Near Commissioner's Residence, Dumka, PO- Dumka, PS- Dumka Town, District- Dumka ... Petitioner Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government

of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi 4. Smt. Alka Tiwari wife of not known to petitioner, the Secretary-cum- Commissioner, Commercial Tax Department, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 160 of 2013:

1. Sohray Ram Mahto son of Late Kitku Mahto, residence of Village- Jamira, PO- Jamira, PS- Rajrappa, District- Ramgarh 2. Dharnidhar Prasad son of Late Durga Charan Das, resident of Petarwar, PO & PS- Petarwar, District- Bokaro 3. Beni Madhav Prasad son of Late Manpuran Mahto, resident of Village- Galagi, PO- Galagi, PS- Nimiya Ghat, District- Giridih 4. Ramdeo Ram Vishwakarma son of Late Shivrath Kumar, resident of Village- Korchey, PO- Korchey, PS- Ramgarh, District- Ramgarh ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 186 of 2013:

1. Shanichar Oraon son of Late Porha Oraon, resident of Village- Caimo Patra Toli, PO, PS & District- Lohardagga 2. Lucia Kindo wife of Shanachar Oraon, resident of Village- Caimo Patra Toli, PO, PS & District- Lohardagga 2.

3. Agapit Ekka son of Jwakim Ekka, resident of Hismi Maria Tola, Sosai Asram, PO & PS- Mandar, District- Ranchi 4. Suleman Kerketta son of Paulus Kerketta, resident of Samlon, Shanti Nagar, PO & PS- Namkum, District- Ranchi 5. Tejuwa Munda son of Sakhila Munda, resident of K.K. Colony, Lower Bhardwan Compound, Lalpur, PO & PS- Lalpur, District- Ranchi.

6. Ratnakar Munda son of Late Lalu Munda, resident of Village- Amlesha, PO- Amlesha, PS- Tamar, District- Ranchi ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project

Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 189 of 2013:

1. Chawi Khalkho wife of Ravikant Khakho, resident of Opposite of Chadda Petrol Pump, Lohra Kocha, Khorhatoli, PO & PS- Kokar, District- Ranchi 2. Binod Kumar Pathak son of Late Raghunandan Pathak, resident of Nand Bhavanam College road, Baheratoli, PO, PS & District- Gumla 3. Basudeo Chowrasia son of Late Sobhi Ram Barai, resident of New Bank Colony, Saraidhela (Steel Gate), PO & PS- Saraidhela, District- Dhanbad 4. Md. Akbar Hussain son of Late Md. Waziruddin, resident of Amratoli Azad Basti Bangla, PO, PS & District- Lohardagga 5. Lalan Prasad Sahu son of Late Khirodher Sahu, resident of New Area Okni, PO, PS & District- Hazaribagh 6. Smt. Puspa Sinha wife of Ashok Kumar Sinha, resident of Lila Bhavan, New Area Okni, Adarshpuri, Pargati Lane, PO, PS & District- Hazaribagh 7. Miss Gita Kumari daughter of Late Ram Lakhan Prasad Chourasia, resident of Bara Bazar, Subhash Marg, PO, PS & District- Hazaribagh 8. Rita Kumari wife of Surendra Prasad, resident of Okni Talab, Near Kali Mandir, Bhagat Gali, PO, PS & District- Hazaribagh ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 232 of 2013:

1. Md. Aslam Ansari son of Late Muslim Ansari, resident of Aliganj, PO- Aliganj, PS- Chandradeep, District- Jamui 2. Krishan Gopal Pandey son of Late Balak Ram Pandey, resident of 3. Ghagra, PO & PS- Ghaghra, District- Gumla 3. Jai Krishna Sah son of Late Lochan Sah, resident of Village- Garraiya, PO- Khagra, PS- Sahu Paravata, District- Bhagalpur, Bihar 4. Anusiya Sinha wife of Thakur Ashok Kumar Sinha, resident of S. P. Kothi Road, Abadganj, PO- Abadganj, PS & District- Daltonganj 5. Shailja Shankar Verma son of Late Umeshu Charan Verma, resident of Abadganj, PO- Abadganj, PO & District- Daltonganj 6. Usha Shukla

wife of Shri Rajendra Prasad Shukla, resident of Village- Bhatwalliya, PO & PS- Pandu, District- Palamau 7. Dwarika Ram son of Late Ramdeo Ram, resident of Town No. 2, Redma, PO, PS & District- Daltonganj ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 292 of 2013:

1. Arun Bek son of Prem Chand Enanuel Bek, resident of C/o Daulat Sheikh, Village- Hiranganj, PO, PS & District- Hazaribagh 2. Snehlata Sinha wife of Mahendra Prasad, resident of C/o Patra Kullhi, PO, PS & District- Dhanbad 3. Anita Chakravarty wife of Shyamal Bhadury, resident of Maniband, Kumar Patti, PO, PS & District- Dhanbad 4. Sita Pati Kumari daughter of Late Fodwa, resident of C/o Kalicharan Ram, Sarna Toli, PO, PS & District- Lohardagga 5. Shail Akhori wife of Amarnath Sahay, resident of 37 Bhattarcharjee Lane, Upper Bazar, PO- GPO, PS- Sadar, District- Ranchi 6. Sudha Sinha wife of Anjani Kumar Sinha, resident of C/o Malviye Marg, Near Bihari Girls School, PO, PS & District- Hazaribagh ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 317 of 2013:

1. Smt. Usha Jha wife of Late Sobha Kant, resident of Sindwar Tola, New Area, Morabadi, PO- Morabadi, PS- Bariatu, District- Ranchi 2. Smt. Sandhya Sinha wife of Sahilesh Kumar, resident of 296 New A.G. Cooperative Colony, Kadru, PO- Kadru, PS- Argora, District- Ranchi 3. Smt. Kumund wife of Madhukar, resident of C/o Sarvodai Nagar, Kanke Road, PO- Kanke, PS- Gonda, District- Ranchi 4. Miss Ashma Quraishi daughter of Sarfuddin Quraishi, resident of School Road, Road No. 8, Noor Nagar Purani Ranchi, PO-GPO, PS- 4. Kotwali, District- Ranchi 5. Smt. Mina Kumari wife of Shyam Kishore Prasad, resident of Indira Nagar, Kanke,

PO- Kanke, PS- Gonda, District- Ranchi 6. Smt. Kamla Kumari wife of Radha Shyam Prasad, resident of S.B.I. Staff Colony, Quarter No. 20, Ratu Road, PO- Hehal, PS- Sukhdeonagar, District- Ranchi ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 325 of 2013:

1. Mahendra Natth Mahto son of Late Yogendra Mahto, resident of Village- Bourpiri, PO- Babu Ramdih, PS- Tamar, District- Ranchi 2. Lobin Murmu son of Late Manjli Murmu, resident of Village- Dhol Pahari, PO- M. Chickniya, PS- Saraiya Hat, District- Dumka 3. Diwakar Singh son of Late Maheswari Prasad Singh, resident of Village- Ghat Kurava, PO- Ghat Kurava, PS- Pather Gama, District-Godda 4. Gita Choudhary wife of Late M.P.Choudhary, resident of Chowk Bazar, PO- Chowk Bazar, PS & District- Sahebganj 5. Akhshaywat Prasad Das son of Late Kamlu Das, resident of Village- Orpa, PO- Kenmankathi, PS- Jasidih, District- Deoghar 6. Tarachandra Choudhary son of Late Ram Prati Choudhary, resident of Shankarpur Colony, PO & PS- Shankarpur, District- Munger, Bihar 7. Mithu Oraon son of Late Juran Oraon, resident of Village- Maina Bagicha, Nadia Road, PO, PS & District- Lohardagga 8. Paul Kandulna son of Late Emanuel Kandulna, resident of Village- Tutikel, PO- Tutikel, PS- Kolebira, District- Simdega ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 344 of 2013:

1. Ganpati Pradhan son of Late Purn Chandra, resident of Vikrampur, PO & PS- Sonua, District- West Singhbhum 2. Ashok Kumar Sahu son of Shri Chamru Sahu, resident of PO & PS- Lohardagga, District- Lohardagga 3. Mahendra Biruli son of Late Jogendra Biruli, resident of Village- Matagutu, PO- Surja Basa, PS- Jhink

Pani, District- West Singhbhum 4. Doman Ram son of Late Raghuni Ram, resident of Lapya, PO- Bilaspur, PS- Haidernagar, District- Palamu 5. Md. Monaazirur Rahman son of Late S.M.Fazlur Rahman, resident 5. of PO- Haldi Pokhar, PS- Potka, District- East Singhbhum 6. Sheikh Wahab son of Late Sheikh Sobrati, resident of Kanke Patra Toli, PO & PS- Kanke, District- Ranchi ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 416 of 2013:

1. Awadhesh Kumar Malviya son of Late Damodar Tiwary, resident of Village- Sohjana, PO- Sohjana, PS- Giddhaur, District- Jamui 2. Uma Shankar Pandey son of Late Vasudeo Pandey, resident of Village- Patria, PO- Kanda, PS- Bishrampur, District- Palamu 3. Shiv Narayan Ram son of Late Ram Jeevan Ram, resident of Mariya Tanr, Ratu, PO & PS- Ratu, District- Ranchi 4. Devendra Laguri son of Late Bhagirati Laguri, resident of Village- Sananda Tola, Bukasai, PO & PS- Jagganathpur, District-West Singhbhum 5. Govind Singh son of Shri Ram Janam Singh, resident of Village- Patria, PO- Kanda, PS- Bishrampur, District- Palamu ... Petitioners Versus 1. The State of Jharkhand 2. Shri B.K. Tripathy son of not known to petitioner, the Secretary, Ministry of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO & PS- Dhurwa, District- Ranchi 3. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District- Ranchi ... Opp.Parties Cont. Case (Civil) No. 423 of 2013:

1. Bhutali @ Murli Paswan son of Ram Bhavan Paswan, resident of Village- Sarwarpur, PO- Sarwarpur, PS- Mahandia, District- Arwal, Biha 2. Satya Narayan Choubey son of Late Gyatri Choubey, resident of Village- Majhai Gawan, PO- Majhai Gawan, PS- Bhawanathpur, District- Garhwa 3. Mani Paswan son of Late Jagdeo Paswan, resident of Village- Baurhi, PO- Baurhi, PS- Dhanarva, District- Patna 4. Ramjit Ram son of Late Lurik Paswan, resident of Village- Kashmar, PO- Kashmar, PS- Tarhashi, District- Palamau ... Petitioners Versus 1. The State of

Jharkhand 2. Smt. Mamta wife of not known to petitioner, the Director, Primary, Secondary & Mass Education, State of Jharkhand, Ranchi, PO, PS & District-Ranchi ... Opp.Parties Cont. Case (Civil) No. 465 of 2013: Suresh Kumar Sah son of Late Jagdeo Sah, resident of B-2376, Sector-II, 6. Side-5, HEC, PO & PS-Dhurwa, District- Ranchi ... Petitioner Versus 1. The State of Jharkhand 2. Shri D.K.Tiwari, Principal Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi 3. Mamta, the Director, Primary, Secondary & Mass Education Department, Ranchi ... Opp.Parties ----- CORAM: THE HON'BLE MR. JUSTICE D. N. PATEL ----- For the petitioner: Mr. Arshad Hussain, Advocate [in all cases except Cont. Case (Civil) No. 465 of 2013] For the petitioner: Ms. Rita Kumari, Advocate [in Cont. Case (Civil) No. 465 of 2013] For the State: J.C. to A.A.G. For Accountant General: Mr. S. Shrivastava, Advocate ----- Order No. 09: Dated 22nd January, 2016 Per D. N. Patel, J.: Cont. Case (Civil) Nos. 59 of 2013 with 160 of 2013 with 186 of 2013 with 189 of 2013 with 232 of 2013 with 292 of 2013 with 317 of 2013 with 325 of 2013 with 344 of 2013 with 416 of 2013 with 423 of 2013 with 465 of 2013:

1. Having heard learned counsel for both the sides and looking to the order, passed by Hon'ble Supreme Court in S.L.P.(Civil) Nos. 10361- 10364 of 2014 dated 18 th July, 2014, it appears that Hon'ble the Supreme Court has already given a time limit of two years from the date of the order dated 18th July, 2014, to comply with the orders, passed by this Court in the writ petitions as also in the Letters Patent Appeals.

2. Previously also, this Court has disposed of several contempt cases [lead case being Cont. Case (C) No.222 of 2010 along with I.A. No. 5496 of 2014] vide order dated 16 th January, 2015, on the basis of the order, passed by Hon'ble Supreme Court in S.L.P.(Civil) Nos. 10361-10364 of 2014 and these matters are similar to those contempt cases, which were disposed of by this Court vide order dated 16 th January, 2015.

3. Hence these contempt petitions are hereby dismissed, at this stage. I.A. Nos. 4840 of 2014, 4837 of 2014, 4834 of 2014, 4838 of 2014, 4841 of 2014, 4831 of 2014, 4833 of 2014, 4832 of 2014, 4836 of 2014, 4835 of 2014, 4842 of 2014 &

4839 of 2014:

4. All the Interlocutory Applications are also disposed of, in view of the 7. final order, passed in the above contempt petitions. (D.N. Patel, J.

) A.K.Verma/

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