

Dinesh Kumar Singh & Anr Vs R.K. Mahajan & Ors

Court: Supreme Court Of India

Date of Decision: Jan. 8, 2025

Hon'ble Judges: J. K. Maheshwari, J; Rajesh Bindal, J

Bench: Division Bench

Advocate: Manish Kumar Saran, Samir Ali Khan, S. Wasim A. Qadri, Saeed Qadri, Saahil Gupta, Udit Singh

Final Decision: Dismissed

Judgement

J. K. Maheshwari, J

1. The petitioners in the present Contempt Petitions are aggrieved by the alleged non-compliance of the order dated 31.08.2017 passed in Civil Appeal

No. 2703 of 2017 and batch titled as "Krishna Nand Yadav & others Vs. Magadh University & others".

2. Briefly put, the petitioners were appointed on the posts of Peon in R.K. Dwarka College under Magadh University. It is alleged that their claims

regarding absorption were allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as J. Sinha Commission)

vide order dated 05.05.2016 (modified on 24.06.2016). It is profitable to refer to the orders passed by J. Sinha Commission. Relevant portion of order

dated 05.05.2016 is reproduced as thus :-

"Out of the aforementioned eight persons, one post is available in terms of Annexure-IVB of the report of Justice Aggarwal Commission, one post of Sweeper is

also available.

It is stated by Mr. Arjun Krishnan that 5 vacancies have arisen in Class IV Posts by reason of death/retirement/super-annuation of the incumbents of (illegible)

posts.

It is stated that Sh. Biphan Singh Yadav, Kapildeo Yadav, Nageshwar Prasad Rai have passed away whereas Sh. Rajan Kumar and Sh. Rajeshwar Kumar Singh

have super-annuated.

It is furthermore stated that out of 5 posts, which have fallen vacant one post has been filled up by way of compassionate appointment

In that view of the matter, the vacant posts may be filled up by the University from amongst the persons who are qualified therefor their interse seniority (sic).

The order dated 24.06.2016 is also reproduced as under: -

“It appears that in the last but one page of the order dated 05.05.2016 after the case of Butan Singh was dealt with, the names of the following persons were

inadvertently left out:

1. Late Umeshwar Prasad Singh
2. Nityanand Yadav
3. Bishwa Vijay Tiwary
4. Dinesh Kumar Singh
5. Arjun Prasad
6. Ram Pyare Prasad
7. Kamla Devi
8. Ashok Kumar Singh

Let their names be inserted just before the paragraph beginning with the words “Out of the aforementioned 8 persons

The names of the aforementioned 8 persons may also be inserted in the procedural order dated 5.5.2016.

It appears that a typographical error has crept in, in the matter of Shri Ramesh Prasad in so far as the word “Geography” has wrongly been mentioned

instead and in place of “Zoology”.

The word “Geography” shall be read as “Zoology” in the said order.

Let all concerned treat this order to be a part of the order dated 5.5.2016. (sic)

On perusal of the above orders, it is apparent that there is no positive direction in favour of the petitioners herein for absorption. Rather, J. Sinha

Commission merely directed the University to consider the qualified persons as per their inter-se seniority to fill up the vacant posts.

3. In the present case, the State of Bihar filed counter affidavit stating that when university sent recommendations to absorb the petitioners, the State

informed that such recommendations are not in accordance with the directions issued by J. Sinha Commission and requested university to send the

recommendations strictly in terms of the order passed by J. Sinha Commission, which was not received. Therefore, no case of deliberate or willful

non-compliance can be made out.

4. In view of the factual scenario of the matter and the counter affidavit of the State, we find that this is not the case of willful non-compliance of the

order 31.08.2017 passed in Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others (supra)”.

5. Accordingly, the present Contempt Petitions stand dismissed. However, such dismissal will not debar the petitioners to avail any other remedy for

redressal of their grievances, if any, in accordance with law.

6. Pending interlocutory application(s), if any, stands disposed of.