



2025:JHHC:8710

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No.604 of 2019

Shireen Perween, wife of Late Md. Sulaiman, resident of New Colony,
Lohsingna, P.O. and P.S. Sadar, District-Hazaribagh.

... ... **Petitioner**

Versus

The State of Jharkhand & Ors. **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Mr. Saurav Arun, Adv.

For the Opp. Parties : Mr. Rahul Saboo, Adv.

The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

12/12.03.2021: The present contempt application has been filed for non-compliance of the order dated 07.02.2019 passed by this Court in W.P.(S). No.514 of 2013.

The writ petition has been filed for non-payment of due salary since 20.05.2005 in spite of taking work. Subsequently by an amendment, the order dated 28.06.2007 has been challenged, whereby the service of the petitioner has not been approved on the ground of Age. The petitioner has been appointed as Head Mistress in Minority Added Institution after following due process and joined on 20.05.2005, although she was working since 20.12.2003.

The petitioner has been selected but his services has not been approved on the ground of over age. Vide order dated 07.02.2019 passed in W.P.(S) No.514 of 2013, respondents were directed to consider approval of the service of the petitioner and also for payment of salary within eight weeks, holding that claim of petitioner can't be rejected on the ground of Age.

Since the above order has not been complied, the present contempt petition has been filed on 22.06.2019. A show cause has been filed in this matter by the Director of Primary Education Department, Government of Jharkhand, Ranchi, annexing reasoned order dated 20.08.2019, whereby the claim of the petitioner has been rejected on the ground of Age, on strength of an order passed by the Hon'ble High Court in W.P.(S) No.7741 of 2006 and L.P.A. No.221 of 2017. Import of



the above reasoned order, amounts to modifying impugned order on the strength of subsequent order of L.P.A. Court.

In spite of above reasoned order, the opposite parties has prayed time for compliance of the order and ultimately they have filed a review petition being Civil Review No.23 of 2020 on the ground that the issue has been subsequently settled by the Appellate Court.

It is settled principle of law that subsequent judgment passed by Appellate Court is not a ground for review and ultimately the Civil Review Petition has been dismissed on 04.12.2020 and the State was given further four weeks' time for compliance of the order.

After above order, the opposite parties has preferred a Letters Patent Appeal on 10.02.2021 being L.P.A. No. 59 of 2021 which is still in defect and on the strength of above pending L.P.A., the order has not been complied till date.

Thus, it is evident that the opposite parties are only interested in delaying the matter and has neither complied the order nor has challenged the said order seriously.

In view of above facts, this Court has no other option but to initiate the contempt proceedings against the opposite parties for non-compliance of the order.

Counsel for the State is directed to supply the name of the erring officials who are responsible for non-compliance of the order by 25.03.2021. Put up this matter on 26.03.2021 for further order.

(Rajesh Kumar, J.)