

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10316 of 2008

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Dharmendra Kumar Pandey, Son of Dhrub Narayan Pandey, resident of
Village- Lakad, P.O.- Dhobani, P.S.- Lauriya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, West Champaran at Bettiah.
3. The District Panchayat Officer, West Champaran at Bettiah
4. The Sub Divisional Officer, Narkatiaganj, District- West Champaran.
5. The Block Development Officer, Gaunaha Block, District- West Champaran
6. The Surpanch, Gram Panchayat Raj- Matiyariya, Block and P.S. Gaunaha, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kr. Shrivastav, Advocate.

For the Respondent/s : Mr. Shashi Shekhar Pd. Sinha, AC to GA 13.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 10-08-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the appointment of the petitioner on the post of Nyay Mitra was cancelled on a clear finding arrived by the competent authority, namely, Sub Divisional Officer, Narkatiyaganj in his order dated 04.05.2008, as contained in Annexure- B to the counter affidavit, this Court would have no difficulty in coming to a finding that the petitioner who had obtained only 49.1% marks was sought to be favoured by displacing one Manoj Mani Tiwari who had 57.30% marks. Moreover it is this finding of the Sub Divisional Officer which is against the petitioner inasmuch as he has clearly recorded that one

Sarpanch was directly responsible for making illegal appointment of less meritorious candidates including the petitioner by edging out the persons having higher marks as those candidates had on the ground that they allegedly had not given the postal stamps along with their application.

3. Apparently, the meritorious or better candidates having been scuttled at the instance of the petitioner, his appointment could not have been sustained.

4. Learned counsel for the parties have also informed this Court that pursuant to removal of the petitioner, Manoj Mani Tiwari has already been appointed and he is working on the post of Nyay Mitra. Since, Manoj Mani Tiwari has also not been party to this writ application, the averments made by the learned counsel for the petitioner assailing his order of appointment also must fail.

5. Thus, this Court does not find any merit in this writ application, it is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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