

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.108 of 2014

Arising out of

Miscellaneous Jurisdiction Case No. 6561 of 2012

Lagandeo Ray Son of Ramanuj Rai, Resident of Village - Batrawali, P.S.- Akilpur,
District – Patna

.... Petitioner/s

Versus

1. The State of Bihar through Sri Amarjit Siha, IAS Secretary to Government of Bihar in the Department of Human Development Department, Bihar, Patna.
2. Arun Kumar Sharma, District Education, Officer, Patna.
3. Keshav Kumar Sharma, District Programme Officer, Patna.
4. Smt. Shobha Agrawal, Block Development Officer, Danapur, Patna.
5. Sri Haribansh Sharma, Panchyat Secretary, Akilpur, Panchayat at & P.S.- Akhilpur, District –Patna.
6. Smt. Yashoda Devi, Mukhiya Akilpur, Panchayat at & P.S.- Akilpur, District- Patna.
7. Shri Pushp Dant Singh, Block Education Officer, Danapur, Patna.

-----Opposite Party 1st Set

8. Shabya Kumari Wife of Shree Raju Kumar Resident of Village - Mubarakpur Krishi Farm, Shanti Nagar, P.S.- Shahpur, District – Patna.
9. Pradip Kumar, Son of Shio Govind Sah Resident of Village - Saidpur, Dighwara, P.S.- Dighwara, District –Saran.
10. Malti Kumari Wife of Shree Mukesh Resident of Village - Babhangawan, Bangalapur, P.S.- Akilpur, District - Patna at present Village - Chhitnawa, Near Devi Mandir, P.O.- Dawadpur, P.S.- Maner, District – Patna.
11. Rina Kumari Wife of Ramesh Kumar Resident of Village - Pakwaliya (Patlapur)P .S.- Akilpur, District – Patna.
12. Sarvanand Singh, S/o Ram Nath Singh, R/o Village-Nilkanth Tola Goraiyasthan, P.O.-Byapur, P.S.-Manere, District-Patna.

-----Opposite Party 2nd Set

Appearance :

For the Petitioner/s : Mr. S.S.P. Yadav, Adv.
For Respondent no. 12 : Mr. Nitesh Kumar, Adv.
For the Respondent State : Mr. Y.P. Sinha, Adv.
Mr. Shankar Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-12-2015

Heard learned counsel for the parties.

Pursuant to order dated 16.12.2015, the then District Programme Officer (Establishment), Patna along with the present incumbent as well as the then Panchayat Secretary, Gram

Panchayat Raj, Akilpur as well as the present incumbent are present. A counter affidavit has also been filed on behalf of the present Panchayat Secretary in which it has been admitted that wrongly employment was denied to the petitioner when he was no. 1 in the merit list and respondent no. 12 was second.

In view of the finding of the Court recorded in its order dated 16.12.2015, the order dated 26.03.2014 passed in M.J.C. No. 6561 of 2012, is modified to the extent that the finding with regard to the petitioner that he was not an original appellant in the year 2008 and thus cannot be considered for appointment stands recalled. The petitioner is held entitled to such employment being no. 1 in the merit list.

Learned counsel for the State has informed that pursuant to the orders passed by the authorities, the petitioner has joined and respondent no. 12 has been disengaged. The same is admitted by learned counsel for the petitioner.

The Court though was inclined to take a strict view in the matter with regard to the misleading statement made by the then District Programme Officer (Establishment), Patna leading to such error in the order dated 26.03.2014 passed in M.J.C. No. 6561 of 2012 causing injustice to the petitioner but in view of the apology tendered and the subsequent corrective action by the concerned respondents, by way of indulgence, accepts such apology. However, they are cautioned to be careful in future so that such valuable right having accrued to a private citizen is not

casually lost due to wrong representation or lack of proper assistance before any forum including a Court of law.

Accordingly, the present application stands disposed off.

The personal appearance of the officers stand dispensed with.

(Ahsanuddin Amanullah, J.)

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