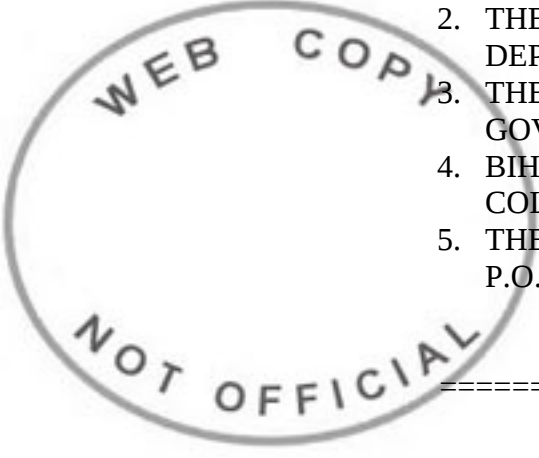


**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16885 of 2014**

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1. SUNIL KUMAR MANDAL SON OF LATE BILTU MANDAL, RESIDENT OF QTR. NO. 680/800, LAL BAHADUR SHASTRI NAGAR, P.O. AND P.S.- SHASTRI NAGAR, PATNA- 800023 (BIHAR)
  2. SHASHI SHEIKHAR GHOSH SON OF RAMASHISH MANJHI, C/O DUNIYA LAL YADAV (ADVOCATE), NAWRATANPUR POSTAL PARK, P.O.- G.P.O., P.S.- POSTAL PARK, DISTRICT- PATNA (BIHAR)
  3. PANKAJ KUMAR MISHRA SON OF YOGANAND MISHRA, RESIDENT OF VILLAGE- MATSIMAR, P.O.- MATSIMAR, VIA- RAJ NAGAR, DISTRICT- MADHUBANI (BIHAR)
  4. SOHAN LAL PASWAN SON OF RAMJEE PASWAN, RESIDENT OF VILLAGE AND P.O.- SISWA BARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI (BIHAR)
  5. TARUN KUMAR SON OF CHANDRA MOHAN PATHAK RESIDENT OF VILLAGE AND P.O.- BHEJA, DISTRICT- MADHUBANI (BIHAR)
  6. YOGENDRA RAM SON OF SUKHDEO RAM RESIDENT OF VILLAGE- JABADI, P.O.- DHAMOBA, VIA- BABUBARHI, DISTRICT- MADHUBANI (BIHAR)
  7. RAJ NARAYAN YADAV, SON OF YUGAL YADAV, RESIDENT OF VILLAGE- BIRPUR, P.O.- BANKI, VIA- MADHEPUR, DISTRICT- MADHUBANI (BIHAR)
  8. MAHESH PRASAD SON OF LATE GANGA PRASAD, RESIDENT OF VILLAGE- KATMAKHOAR, P.O.- HARBHANDA, VIA- JHANJHARPUR, DISTRICT- MADHUBANI (BIHAR)
  9. ASHOK KUMAR JHA SON OF RAM CHANDRA JHA, C/O RAMESH ROY, NEW BUILDING, POST OFFICE ROAD, PUNAI CHAK, P.S.- SHASTRI NAGAR, DISTRICT- PATNA (BIHAR)
  10. DINESH KUMAR SON OF LATE DHANESHWAR SHARMA C/O SRI ESHO LAL SAHO (CINEMA ROAD), AT. AND P.O.- NIRMALI, DISTRICT- SUPAUL (BIHAR)
  11. SHIVJI MAHTO SON OF LATE NAND KISHORE MAHTO, RESIDENT OF VILLAGE- BALABAKHAR, P.O.- GEHUAN BAIRIA, VIA- GHOGHARDIHA, DISTRICT- MADHUBANI (BIHAR)
  12. PAWAN KUMAR CHOUDHARY SON OF RAM CHANDRA CHAUDHARY, RESIDENT OF VILLAGE AND P.O.- SHAHPUR, VIA- LOHAT, DISTRICT- MADHUBANI (BIHAR)
  13. BAL KRISHNA JHA, SON OF JAGDANAND JHA, RESIDENT OF VILLAGE- BHAGIRATH PATH, P.O.- DAMU, DISTRICT- MADHUBANI (BIHAR)
  14. NARENDRA KUMAR JHA SON OF SHREE SHAILENDRA KUMAR JHA, RESIDENT OF VILLAGE- AND P.O.- BHAWANIPUR, VIA- PANDAUL, DISTRICT- MADHUBANI (BIHAR)

.... .... Petitioner/s

Versus

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1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, PANCHAYATI RAJ DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
  2. THE PRINCIPAL SECRETARY, PANCHAYATI RAJ DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
  3. THE SECRETARY, RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
  4. BIHAR STAFF SELECTION COMMISSION, P.O.- VETERINARY COLLEGE, PATNA- 800014 THROUGH THE SECRETARY
  5. THE CHAIRMAN, BIHAR STAFF SELECTION COMMISSION, P.O.- VETERINARY COLLEGE, PATNA- 800014

.... .... Respondent/s

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with

**Civil Writ Jurisdiction Case No.17498 of 2014**

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1. Sanjay Kumar Singh Son of Gyani Singh, Resident of Village+P.O. Tejpura, P.S. Obra, District- Aurangabad
2. Subodh Kumar, Son of Sri Suresh Kumar, Resident of Village- Eakra, P.O. Amba, P.S. Kutumba, District- Aurangabad
3. Dhananjay Kumar, son of Sri Sheo Das Singh, Resident of Village- Ghareya, P.S.- Wazirganj, District- Gaya
4. Mukesh Kumar, son of Sri Mahesh Singh, Resident of village- Gulab Bigha, P.S. Rafiganj, District- District- Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
3. The Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
4. The Dy. Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
5. The Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna
6. The Bihar Staff Selection Commission, P.O.- Veterinary College, Bihar, Patna through its Chairman.
7. The Secretary, Bihar Staff Selection Commission, P.O. Veterinary College, Bihar, Patna

.... .... Respondent/s

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**Appearance :**

(In CWJC No.16885 of 2014)

- For the Petitioner/s : Mr, Nikhil Kr. Agrawal  
Mr. Santosh Kumar Mishra
- For the Respondent No.1 to 3 : Mrs. Neelu Agrwal, GA-6  
Mr. Avinash Kumar
- For the Respondent No. 4 & 5 : Mr. K.K. Upadhyaya  
Mr. C.B. Das

(In CWJC No.17498 of 2014)

- For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv.

For the Respondent No. 1 to 5 : Mr. Kumar Manish, SC-21  
For the Respondent No. 6 & 7 : Mr. K.K. Upadhyaya  
Mr. C.B. Das

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3 13-01-2015

The issues of facts and the issues of law involved in the aforesaid two writ petitions are identical and common. Therefore, with the consent of the parties, both the matters have been heard together and are being disposed of by this common order.

The petitioners of both the cases, who all are already working on the post of Panchayat Rojgar Sewaks, are seeking directions for relaxation in the age bar and for giving them weightage on the basis of the length of service on the post of Panchayat Rojgar Sewaks for the purpose of consideration of their claims for appointment on the post of Panchayat Secretary pursuant to the Advertisement No. 06060114 dated 31. 8.2014 issued by the respondent Bihar Staff Selection Commission, Patna, as contained in Annexure-3 in C.W.J.C. No. 16885 of 2014, and Annexure-1 in C.W.J.C. No. 17498 of 2014.

In C.W.J.C. No. 16885 of 2014 separate counter-affidavits have been filed on behalf of the respondent no.3 as also on behalf of the respondent no. 4 and 5. In C.W.J.C. No. 17498 of 2014, a supplementary affidavit on behalf of the petitioners has been filed today in course of hearing of the case, which has been taken on the record.

In view of the averments made in the counter affidavit filed on behalf of the respondent no. 3 in C.W.J.C. No. 16885 of 2014 and in view of the averments made in the



supplementary affidavit filed on behalf of the petitioners in C.W.J.C. No. 17498 of 2014, it is apparent that the issues raised on behalf of the petitioners in the aforesaid two writ petitions are under the active consideration of the State Government, but the matter is yet to be finally decided. It further appears that by letter dated 8<sup>th</sup> December, 2014, the Secretary, Rural Development Department, Government of Bihar, Patna, has requested the respondent Secretary, Bihar Staff Selection Commission, Patna to keep the Selection Process for appointment on the post of Panchayat Secretaries in abeyance, till the matter is finally decided by the State Government.

Learned counsel appearing on behalf of the Staff Selection Commission submits that in view of the request made by the State Government, further steps are not taken by the Staff Selection Commission for the purposes of appointment on the post of Panchayat Secretary pursuant to the aforesaid Advertisement dated 31.08.2014.

In above view of the matter, both the writ petitions are disposed of with a liberty to the petitioners to file their separate or combined comprehensive representations before the respondent Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna as also the Secretary, Department of Rural Development, Government of Bihar, Patna with all supporting documents raising all the issues, which have been raised in the present proceedings, within a maximum period of three weeks.

If such representation(s) are filed on behalf of the petitioners within the time prescribed with a certified copy of the present order, then the State Government and/or the aforesaid authorities shall be obliged to consider and decide the claims of the

petitioners and shall take final decision with respect to the issues raised on their behalf at an early date preferably within a maximum period of two months from the date of filing of such representation.

Till the matter is finally decided by the aforesaid authorities or the State Government itself, the selection process started by the respondent Bihar Staff Selection Commission on the basis of advertisement as contained in Annexure-3 in C.W.J.C. No. 16885 of 2014/ Annexure-1 in C.W.J.C. No.17498 of 2014 for the posts of Panchayat Secretaries shall be kept in abeyance.

With the aforesaid observations and directions both these writ petition stand finally disposed of.

**(Birendra Prasad Verma, J)**

BTiwary/-

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