

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1230 of 2013

In

Civil Writ Jurisdiction Case No. 18240 of 2008

- =====
1. Gopal Kumar, S/O Late Munshi Prasad Gupta Resident Of Village- Indupur, P.S- Barahiya, District- Lakhisarai, present residing at mohalla - Pariya Pokhar, Court Area, Lakhisarai, P.S And District- Lakhisarai.
 2. Sanoj Kumar Yadav S/O Late Yugeshwar Prasad Yadav Resident of Village Ora Bagicha, P.S- Dharahara, District- Munger, Residing At Mohalla Court Area, Lakhisarai, P.O And P.S And District- Lakhisarai.
 3. Umesh Kumar Paswan @ Umesh Paswan S/O Rameshwar Paswan Resident Of Village- Pandiha, P.O And P.S- Halsi, District- Lakhisarai.

.... Petitioners

Versus

1. The State Of Bihar, Through The Chief Secretary, Bihar, Patna
2. Sri S.M. Raju, son of not known, The Commissioner, Munger Division, Munger
3. Sri Ram Rup Singh, son of not known, The District Magistrate- Cum- Collector, Lakhisarai.
4. Sri Suresh Choudhary, son of not known, The District Development Commissioner, Lakhisarai.
5. Md. Hasimuddin, son of not known, The Additional District Magistrate, Lakhisarai.
6. Sri Vinay Kumar Roy, son of not known, Sub Divisional Officer, Lakhisarai.
7. Sri Ajay Kumar, son of not known, The Block Development Officer, Lakhisarai.
8. Sri Sushil Kumar Mishra, son of not known, The District Nazareth Officer, Lakhisarai.

.... Respondents

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With

Civil Review No.410 of 2014

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IN
Civil Writ Jurisdiction Case No. 18240 of 2008

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1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
 2. The Commissioner, Munger Division, District - Munger.
 3. The District Magistrate, - cum - Collector, Lakhisarai.
 4. The District Development Commissioner, Lakhisarai.
 5. The Additional District Magistrate, Lakhisarai.
 6. The Sub Divisional Officer, Lakhisarai.
 7. The Block Development Officer, Lakhisarai.
 8. The District Najarat Officer, Lakhisarai.

.... Petitioners

Versus

1. Gopal Kumar Son of Munshi Prasad Gupta, Resident of Village - Indupur, P.s. - Barahia, District - Lakhisarai.
2. Sanoj Kumar Yada Son of Late Yugeshwar Prasad Yadav, Resident of Village - Ora Bagicha, P.O. + P.S. - Dharhara, District - Munger, presently residing at Mohalla - Court Area Lakhisarai, P.O. + P.S. + District - Lakhisarai.
3. Umesh Kumar Paswan @ Umesh Paswan, Son of Rameshwar Paswan, Resident of Village - Pandiha, P.O. + P.S. - Halsi, District - Lakhisarai.
4. Ganesh Paswan, Son of Prasadi Paswan, resident of village + P.O. + P.S. - Halsi, District - Lakhisarai.
5. Rajesh Paswan, Son of Nageshwar Paswan, Resident of Village + P.O. + P.s. - Halsi, District - Lakhisarai.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

11. 01-07-2015

A show cause on affidavit has been filed on
behalf of the District Magistrate, Lakhisarai, today in

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Court. He has admitted in his affidavit that now there is one vacancy as a consequence of retirement of one driver. It is a permanent sanctioned post to be filled up by permanent appointee.

In my view, there should be no difficulty on the part of the District Magistrate, Lakhisarai to effectively implement the writ order. As per the writ order, five petitioners who were selected and recommended for appointment had to be appointed but mischievously those vacancies were all filled up by contractual appointment or other back door appointments. The District Administration was not ready to get rid of them. Ultimately, this court interfered. Even after interference by this Court, out of five people, only three have been given regular appointment. Out of the panel of 12 posts, two people who have been left out are the people in the middle of the panel which is most unfortunate. People below of them have got permanent employment as driver through the same panel. But for reasons, I would not like to discuss, they have been left out now. The affidavit of the District Magistrate clearly states that there is one permanent vacancy. Therefore, I direct the District Magistrate, Lakhisarai, to fill that by



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the senior of the remaining two immediately as permanent appointment on that vacant post. The second and the last one left from the panel would also simultaneously be appointed as a contractual driver as there exists three vacancies in that respect as per the affidavit filed today.

Thereafter, the first vacancy that would occur amongst the permanent drivers either by way of retirement, resignation, dismissal or otherwise, that would be filled up by this contractual appointee. It would be the responsibility of the District Magistrate, Lakhisarai, to ensure that orders of this Court were implemented within 15 days from today, failing which, this Court will take very serious view of the matter.

In view of the orders passed today on this affidavit, no order need be passed in the Review Application.

Accordingly, both these applications stand disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/-

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