

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.943 of 1995

Jitendra Singh, son of Late Bishnu Singh, resident of Village Jogian, P.S. Rasulpur,
District Saran

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Personal and Administrative Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The Collector, Gopalganj.
5. Shiv Narayan Singh, son of Kesho Singh, resident of Village Pathra, P.S. Majha Ghar, District-Gopalganj.
6. Harendra Singh, son of Shri Shankar Singh, resident of Village Walipur, P.S. and District Gopalganj.
7. Amar Singh, son of Shri Ramdani Singh, resident of Village Walipur, P.S. and District Gopalganj.
8. Rakesh Kumar, son of Sita Ram Prasad, at present working as Peon in Maujha Block, P.S. Manjha, District-Gopalganj.
9. Prabhu Nath Roy, son of name not known, at present working as Peon in the office of District Land Acquisition Officer, Gopalganj, P.S. & District-Gopalganj.
10. Ram Ekbal Singh, son of name not known, at present working as Peon in District Land Acquisition Office, Gopalganj, P.S. and District Gopalganj.
11. Awadh Bihari Prasad, son of Gangal deo Prasad, resident of Village Olipur, P.S. Gopalganj, District Gopalganj.
12. Ravindra Singh, son of Lal Babu Singh, resident of Village Harbansha, P.S.-Gopalganj, District Gopalganj.
13. Dhrup Narain Singh alias Rai, son of Harikesh Singh alias Rai, resident of Village Kharharwa, P.S. Uchakagaon, District Gopalganj.
14. Yogendra Singh, son of Shri Raj Ballain Singh, resident of Village Brindawan, P.S. Uchakagaon, District Gopalganj.
15. Chandrama Singh, son of Bhagwan Singh, resident of Village Koini, P.S. Manjhagarh, District Gopalganj.

.... Respondents

Appearance :

For the Petitioner : Mr. Ravish Chandra, Advocate

For Respondent Nos.5-15 : Mr. Alok Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-01-2015

This writ petition has been filed with a prayer to direct the

respondents to consider the case of the petitioner for appointment as Class IV employee in accordance with the panel prepared in 1985.

2. Heard Mr. Ravish Chandra, learned counsel for the petitioner and Mr. Alok Ranjan, learned counsel for Respondent Nos.5 to 15.

3. The State Government initiated steps for appointment on Class IV posts in the district of Gopalganj in the year 1984. After interviews, a panel was prepared in the year 1985. However, certain appointments were made from the said panel and the rest of the panel was cancelled. Thereafter another panel was said to have been prepared.

4. The grievance of the petitioner is that though his name has figured in the panel, he has not been appointed. His further grievance is that several persons junior to him have been appointed and he has been arbitrarily denied of the appointment.

5. Had it been a case where any of the juniors to the petitioner, in a valid panel had been appointed, he can certainly claim appointment. The fact remains that the panel of 1984 has lapsed or was cancelled and nearly three decades have elapsed. It is difficult to grant any relief at this stage.

6. Today, we have dealt with similar matter in L.P.A. No.19 of 1993. The substantial difference is that the writ petitioners-

appellants therein were appointed and continued to work during the pendency of the LPA., whereas, in the instant case, the petitioner has not been appointed at all.

7. We, therefore, dismiss this writ petition. However, it is made clear that in case any of the petitioners is in service during the pendency of the writ petition, they shall be continued in service on par with other similarly situated persons.

8. The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

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