

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.912 of 2007

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DAMODAR KARMKAR, SON OF HARINARAYAN KARMKAR,
RESIDENT OF VILLAGE TAPPU HAT, POLICE STATION
KISHANGANJ, DISTRICT KISHANGANJ **Petitioner**

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY,
PERSONNAL AND ADMINISTRATIVE REFORMS
DEPARTMENT GOVERNMENT OF BIHAR, PATNA
 2. THE DISTRICT MAGISTRATE, KISHANGANJ
 3. THE DISTRICT ESTABLISHMENT COMMITTEE THROUGH
ITS CHAIRMAN CUM DISTRICT MAGISTRATE KISHANGANJ
 4. THE ESTABLISHMENT DEPUTY COLLECTOR, KISHANGANJ
.... **Respondents**
- =====

Appearance :

For the Petitioner : Mr. Ravindra Nath Dubey, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Respondents : Mr. (AAG8)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 22-01-2015 Heard learned counsel for the parties.

The petitioner has challenged the Reservation roster Panel dated 22.3.2005 (Annexure 3) prepared by respondent no.4 for appointment on Class IV post in the district of Kishanganj vide Annexure 2 and 3 on the ground that the panel has been prepared on the basis of written examination in violation of circular dated 3.12.1980, 26.5.1987 and 25.4.1997 which require preparation of the panel taking into account the position of the candidate as Peon in the earlier panel as also the working days served by him. Learned Single judge after hearing the parties vide order dated 9.8.2011 directed the Collector, Kishanganj to issue notice to the appointees and after hearing



them set aside the appointment orders referred to above and thereafter prepare fresh panel strictly in the light of the instructions of the Government contained in circular letter dated 03.12.1980, 26.5.1987, 25.4.1997 giving preference to the earlier panelist and proceed with the appointment, in accordance with law. Some of the affected persons moved this Court in LPA No.1388 of 2011 and other analogous matters raising a grievance that the impugned order, adversely affecting their rights, have been passed without making them parties respondents and without giving them opportunity of hearing. The LPA court on 26.8.2013 set aside order dated 9.8.2011 observing that the writ petition will be heard and decided by the learned Single judge on merits after the writ petitioners implead all the affected persons as party respondents.

Learned counsel for the petitioner expresses his inabilities to implead all the affected persons as he is not in knowledge of all such persons who have been affected by the order in question. He submits that the matter may be referred to the Collector, Kishanganj for taking steps in accordance with law.

As the petitioner is unable to implead the affected parties as respondents to the writ petition, this Court is not

inclined to pass any positive direction in the matter. It is for the petitioner to raise his grievance before the learned Collector, Kishanganj, who would consider the same and pass appropriate order without prejudice within a reasonable time.

It is made clear that if the Collector, Kishanganj proceeds to consider the matter, no order prejudicial to the interest of the other side would be passed, without providing them opportunity of hearing.

With the aforesaid observation, the writ petition stands disposed of.

(Samarendra Pratap Singh, J)

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