

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19505 of 2010

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Nawal Kishore Prasad S/O Sri Harendra Prasad R/O Vill. & P.O.-
Badurupiya, P.S.- Harsidhi, Distt.- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Motihari, East Champaran
3. Deputy Collector (Establishment) Collectorate, Motihari, East
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 19-01-2015 Heard counsel for the petitioner.

No one appears on behalf of the State.

The petitioner along with others had earlier filed a writ application in this Court vide CWJC No. 1790 of 2006. A prayer was made to include their names in the district panel which was to be prepared by the Collector of the district. This Court on a consideration of the submission of the parties disposed of the said writ application by a common order dated 18.03.2008 directing the petitioner(s) to make a representation before the Collector who was directed to consider the said grievance and take appropriate decision in respect of each of the petitioners as to whether on the basis of existing rules/circulars/orders of the Government their



names were entitled to be included in the panel to be prepared by the Collector. In the light of the said liberty the petitioner(s) filed claim. A Committee was constituted by the Collector to examine the claim of diverse persons raising similar grievance. It appears that a large number of persons were engaged intermittently on casual basis inasmuch as several writ petitions were also filed in this Court in which identical/similar direction was issued. The Committee examined each claim and rejected the case of the petitioner on the ground that no such application was filed by him pursuant to the notice inviting such application inasmuch as no details of his actual working on casual basis was available. The District Magistrate therefore notified the names of only 44 persons who were entitled to be included in the panel. The case of the petitioner was rejected on the ground that neither any application was filed by him nor the relevant details relating to duties discharged by him and payment made thereof was/were available. Now the petitioner has filed the present writ application for a direction to include his name in the panel prepared for appointment/engagement on Class IV post in the district of East Champaran.

I have gone through the documents placed at Annexure-5 reflecting examination in respect of such applicants/claimants.

On examination of various papers the Committee did not find substance in the claim of the petitioner. The District Magistrate accordingly did not include the name of the petitioner in the district panel. Admittedly, nothing has been pleaded that any appointment has been made therefrom. The claim of the petitioner for inclusion of his name in the panel therefore cannot be granted by this Court in exercise of his extraordinary and discretionary writ jurisdiction; considering the diverse issues which require examination by the Authority which, in fact, were examined before negating the case of the petitioner.

This Court finds no merit in this application. It is accordingly dismissed.

(Kishore Kumar Mandal, J)

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