

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15903 of 2007

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Komal Ram son of Shri Sheoji Ram, Resident of village + P.O. P.S. Sheo Sagar,
Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Department of Rural Development and Panchayat Raj, Govt. of Bihar, Patna
3. Secretary, Department of Human Resources, Govt of Bihar, Patna
4. Director, Department of Panchayat Raj, Govt. of Bihar, Patna
5. District Magistrate, Rohtas Sasaram
6. Block Development Officer, Sheosagar, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey
Mrs. Archana Sinha
For the State Mr. Dev Kr. Pandey
A.C. to G.P.6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 08-05-2015

Heard counsel for the petitioner and the State.

The petitioner was an applicant for the post of Sacheev, Gram Kachahari of Sheosagar Gram Panchayat. The step for selection was taken in the year 2007. The petitioner claims to have passed the Madhayama examination from Bihar Sanskrit Shiksha Board. Initially, he was placed in the panel. However, on certain clarification made under communication dated 28.09.2007(Annexure-1) he was not selected.

Counsel for the petitioner submits that the communication contained in annexure-1 is bad in law since the

government for other posts have held by different communications that the certificate like Madhayama from Shanskrit Shiksha Board would be equivalent to matriculation certificate.

The respondents, on the other hand, submitted that the Bihar Gram Kutchahry Sacheev (Niyojan, Sewashart Awam Kartavya) Niyamawali, 2007 does not provide for any such equivalence. He has drawn attention of the Court to the eligibility clause as contained in Rule 5 (ka) (ii) which states that for the engagement on the post of Sacheev, Gram Kachahry, the minimum educational qualification would be matric pass. In view of aforesaid, it has been stated that rule does not provide educational qualification equivalent to matriculation. By the impugned communication the rule provision has only been clarified. This Court finds substance in the submission of the counsel for the State.

There is yet another circumstance which would disentitle the petitioner from seeking the relief. He was an applicant in the process of selection undergone in 2007. As per the rule provision the tenure of engagement of Sacheev is coterminous with the tenure of Gram Kachahry. Indisputably, after expiry of five years the tenure of Gram Kachahry comes to

an end. In such circumstance, no substantive relief can be granted to the petitioner.

For the reasons aforesaid, this Court finds not merit in this application which is dismissed.

(Kishore Kumar Mandal, J)

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