

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10497 of 2015

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1. Prashant Anand, S/o Harendra Ram, resident of Mohalla: Chhota Bariyarpur, P.O: Motihari Court, P.S: Chhitauni Motihari, District: East Champaran.
 2. Rahul Kumar Jaiswal, son of Shivnath Prasad Jaiswal, resident of Bhojpatti, P.O: Mahamadpur, P.S: Paroo, District: Muzaffarpur.
 3. Rajesh Kumar, son of Kalicharan Das, resident of Village: Nababganj, P.O: Alinagar, P.S: Surajgardha, District: Lakhisarai.
 4. Md. Nasim Akhtar, son of Abus Sattar, resident of Village & P.O: Nayagaon, District: Shivhar.
 5. Umesh Kumar, son of Dharmalal Yadav, resident of Village & P.O: Pachatakiyadu, Bargania, District: Sitamarhi.
 6. Nitish Kumar, son of Ramesh Kumar, resident of Village, P.O. & P.S: Chanpatia, District- West Champaran.
 7. Niraj Kumar, son of Sheo Pujan Ray Resident of C/o Nagina Devi, Keshariya Niwas, New L.I.C. Colony, Shivpuri, Patna-23.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna
2. The District Magistrate, East Champaran at Motihari.
3. The Deputy Development Commissioner, East Champaran, Motihari.
4. The Additional Collector, East Champaran, Motihari.
5. The District Co-operative Officer, East Champaran, Motihari.
6. The Director, Account Section, D.R.D.A., East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Respondent/s : Mr. R.K. PRIYADARSHI- SC32
Mr. Pramod Kumar, AC to SC 32

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-08-2015

Recruitment of the petitioners came to a halt despite short-listing and preparation of a panel, contained in Annexure-4. No doubt, the selection was required to be made on contract for a fixed period of time. When the appointment letters were not issued, petitioners

decided to file writ application for a direction upon the respondents to act in terms of the select list.

When no counter affidavit came despite adjournments granted earlier, the District Magistrate was ordered to be present, who did appear and file a detailed counter affidavit, not only expressing regret but also explaining the background under which matter did not proceed beyond preparation of a select list.

Recruitment was required to be done by the Rural Development Department, Government of Bihar. Such appointment was to make the on go implementation of MANREGA Schemes effective. Since there was inordinate delay in carrying out the selection against the advertisement issued in the year 2013, somewhere down the line the Department came to a considered opinion that the efficacy and the essence for which such recruitment on contract was required to be made has been lost. Not only this, they also take a plea that since the panel was over a year old now, therefore, it cannot be acted upon.

The respondent District Magistrate also takes a plea that the entire recruitment was stopped in its track when they received a communication dated 16.4.2015 from the Rural Development Department (Bihar Rural Development Society) to desist. The communication is Annexure-M and the follow up action is Anneuxre-

M/1.

If this is the position which emerges from the pleadings and evidence, then the allegation or insinuation which was sought to be made by the petitioners as to the reason for delay is more made than made out.

Even otherwise, since these recruitments were required to be made on contractual basis for a fixed period of time, not on a permanent basis, petitioners cannot beget a mandamus for appointment in terms of Annexure-4.

Writ application stands dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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