

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.833 of 2007**

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Sunil Kumar Pandey & Ors

.... .... Petitioner/s

Versus

State of Bihar & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ashish Dev-Advocate  
 Mr. Jitendra Kumar Roy-Advocate  
 For the Respondent/s : Mr. (SC-16)  
 Mr. P.K.Shahi

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

07 01-02-2016

Heard learned counsel for the petitioners.

With regard to petitioners, who were Dalpati once upon a time, were found entitled for their selection as Panchayat Sewak/ Secretary within the District of Muzaffarpur and the aforesaid sequence was under the banner of promotion.

At an earlier occasion, C.W.J.C. No.4306 of 1998 was filed by some of the Dalpaties for creation of post of Panchayat Sewak and appointment on the same, which was disposed of on 01.07.1998. During consideration of aforesaid writ, 74 Posts of Panchayat Sewak were directed to be created and the aforesaid exercise was directed to be completed within three months from the date of production/ receipt of a copy of the order. The aforesaid post was sanctioned. However, only 32 Posts were filled up while for the remaining, no exercise was taken up for which petitioners have moved C.W.J.C. No.14129 of 2001 and the

same has been disposed of by an order dated 06.07.2004, the order impugned.

From the order impugned, it is evident that writ Court has directed to consider the case of the petitioners for appointment to the post of Panchayat Sewak and the aforesaid exercise was to be completed within three months from the date of production/ receipt of a copy of the order.

It has been submitted on behalf of petitioners that they have been appointed. However, their plea is that their appointment should be made from the date on which the 74 posts were identified and for that, it has been submitted that respondents be directed to file show-cause.

Under the present M.J.C., Court cannot go beyond whatever been granted at an earlier occasion. The order did not satisfy that the case of the petitioners for appointment should reckoned from the date of post so notified.

That being so, the present M.J.C. petition cannot be held to be maintainable and is accordingly, rejected. However, petitioners will be at liberty to re-agitate their grievance in accordance with law, if they so desire.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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