

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3811 of 2011

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1. Govind Prasad, Son Of Lalji Prasad Resident Of Village + P.O. - Chilahri, P.S. - Dumraon, District - Buxar
 2. Shivji Ram, Son Of Bhabhuti Ram, Resident Of Village - Khandhara Pandeypur, P.S.- Simri, District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Buxar
2. The Deputy Collector, Nazarat, District - Buxar
3. The District Welfare Officer, Buxar
4. The Sub-Divisional Officer, Buxar
5. The Sub-Divisional Officer, Dumraon, Buxar
6. The Deputy Development Commissioner, Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 25-01-2016

Heard learned counsel for the petitioners and learned AC to
AAG No. 2.

Two petitioners, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, have prayed for directing the respondents to include the name of the petitioners in the panel of fourth grade employees to be appointed as 'Peon' in the Buxar district.

A plea has been taken by learned counsel for the petitioners that petitioners were inducted by various orders in the concerned offices including as 'Peon' in the Zila Nazrat from the



year 1994 – 96 and thereafter, their names were included in the Register which was prepared for the year 1994-95 and petitioners' name was included at serial no. 223 and 213 respectively. He submits that finally pursuant to the advertisement published in the year 2009 for preparation of panel vide Annexure - '3' petitioners filed application but their name has not been included in the panel ignoring the legitimate claim of the petitioners.

In this case a counter affidavit has been filed on behalf of the respondent no. 1 and 2 and a vague stand has been taken that petitioners were only 7th class pass whereas minimum eligibility condition was 8th class pass.

In the reply to the counter affidavit a specific stand has been taken by the petitioners. In paragraph no. 5 of the rejoinder/ reply filed by the petitioners on 7th December 2015 it has been indicated that petitioner no. 1 is 8th class pass and petitioner no. 2 is 'Graduate'. To substantiate their claim they have also brought on record application form which were submitted pursuant to the advertisement. On perusal of Annexure - '6' and '6/A' to the reply it appears that the statement made on behalf of the respondent no. 1 and 2 which was duly sworn by a Deputy Collector appears to be not correct. However, the court proposes to dispose of the writ petition granting liberty to the both the petitioners to file their separate

applications before the respondent no. 1 /the District Magistrate, Buxar, regarding their claim for being included in the panel with supporting documents. Such representation if filed within a period of eight weeks from today, the respondent no. 1/ the District Magistrate, Buxar may examine the representations of the petitioners in accordance with law and pass appropriate order within a period of two months thereafter. Even in case of refusal of the claim of the petitioners, the respondent no. 1 is required to pass speaking order and communicate the same to both the petitioners within the aforesaid time.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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