

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19716 of 2014

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1. Arun Kumar Singh son of Ramyash Singh resident of village - Belghat Balua, Police Station - Arrah Muffasil, District - Bhojpur
 2. Ashok Kumar Yadav son of Raj Keshwar Yadav resident of village - Kauria, P.O. Hardia, P.S. Behia, District - Bhojpur
 3. Indradeo Singh son of Srikant Singh resident of village - Khakho Bandh, P.O. Bharasara, Police Station - Behia, District - Bhojpur
 4. Nandji Rai son of Jageshwar Rai resident of village & P.O. Ganghar, Police Station - Arrah Muffasil, District - Bhojpur
 5. Ramesh Kumar son of Fagulal resident of village - Jawahar Tola, Police Station - Nawada, District - Bhojpur
 6. Shambhu Nath Prasad Gond @ Saryu Kumar Gond son of Tarkeshwar Prasad Gond resident of village & P.O. Kalyanpur, Police Station - Behia, District - Bhojpur
 7. Bimal Kumar son of Jagdish Singh resident of Moap Khurd, Police Station - Imadpur, District - Bhojpur
 8. Suresh Kumar Yadav son of Rameshwar Ray resident of village & P.O. Masadh, Police Station - Udwant Nagar, District - Bhojpur
 9. Pankaj Kumar son of Bind Kumar resident of village + P.O. + P.S. West Nawada, District - Bhojpur
 10. Shiv Kumar son of Late Braj Kishor Prasad resident of village + Post - Kulhariya, P.S. Koelwar, District - Bhojpur

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Public & Administrative Department, Government of Bihar, Patna
3. The Divisional Commissioner, Patna Division, Patna
4. The District Magistrate, Bhojpur at Ara
5. The Additional Collector, Bhojpur at Arrah
6. The D.D.C., Bhojpur at Arrah
7. The Establishment Deputy Collector, Bhojpur at Arrah
8. The Nazarat Deputy Collector, Bhojpur at Arrah
9. Manoj Kumar Yadav son of Ramadhar Yadav resident of resident of Muhalla - New Shital Tola, P.O. Shivganj, Police Station - Nawada, District - Bhojpur
10. Rajan Rajak son of Late Laldas Rajak resident of village - Puldarapur Devi Asthan, P.O. Puldarapur, Police Station - Jakkanpur, District - Patna
11. Mukund Ram son of Shobha Ram resident of Muhallah - Pakari, P.O. Pakari, Police Station - Arrah Muffasil, District - Bhojpur
12. Md. Akhtar Ansari son of Md. Halim Ansari resident of Muhalla - Suraudha Colony, P.O. & P.S. Koelwar, District - Bhojpur
13. Nirmal Kumar Gupta son of Late Bihari Sah resident of C.K. Road Arrah, P.S. Arrah Town, District - Bhojpur
14. Kedar Nath son of Late Prichhan Ram resident of village - Laxmanpur, P.O. Daulatpur, Police Station - Arrah Muffasil, District - Bhojpur
15. Anil Kumar son of Late Chandrama Sharma resident of village/Muhalla - Mahadeva Road, Police Station - Arrah Town, District - Bhojpur
16. Bidya Sagar Tiwary son of Suresh Tiwary resident of village + Post office - Chand - wa, Police Station - Arrah Muffasil, District - Bhojpur
17. Rajesh Kumar son of Suraj Kumar resident of Muhalla - Gandhi Nagar



Danapur, P.O. Digha, Police Station - Danapur, District - Patna
18. Shashi Bhushan Chaudhary son of Dharam Raj Chaudhary resident of village -
Keshopur Bakari, P.O. Karwa, Police Station - Udwant Nagar, District -
Bhojpur

.... Respondents

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Appearance :

For the Petitioners : Mr. Ram Subhas Singh, Advocate
For the State : Mrs. Geeta Kumari, GP28

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
CAV JUDGMENT
Date: 15-12-2016

The ten petitioners in the present writ application have sought a direction upon the Collector, Bhojpur to appoint them in place of the private respondents no.9 to 18 on a IVth Grade post from the panel of District Ummidwar Peons prepared on 10.10.2013. This prayer has been made on the basis that the Three Man Committee did not properly evaluate and take into consideration the mandays of these petitioners while making such appointments and people with lesser number of mandays have been appointed, which violates Article 14 and 16 of the Constitution of India.

2. This is not the first round of litigation as the petitioners had approached this Court earlier and a direction was given upon the respondents that the grievance of the petitioners with regard to their inclusion in the panel and the evidence of their number of days of working should be looked into and verified before a final decision is taken. The case of the petitioners is that the authorities in violation of the said direction ignored the evidence, went ahead with the appointments



by leaving out these petitioners from the zone of consideration.

3. Though a counter affidavit on behalf of the District Magistrate, Bhojpur was filed earlier but looking at the arguments made at the bar, the Court directed the District Magistrate himself to file a counter affidavit duly sworn by him so that some kind of credence and weightage could be given to the authenticity of the statements made with full responsibility at the level of the District Magistrate. He being the highest authority of the district under whom appointments from the list of Ummidwar Peons was required to be made.

4. The District Magistrate, Bhojpur, i.e., respondent no.4 has stated in the second supplementary counter affidavit that the preparation of the panel for appointment on the IVth Grade post in the district of Bhojpur at Arrah was done strictly in terms of the guidelines issued by the General Administration Department vide Letter No.7365 dated 29.06.2011, a copy of the said communication has been annexed as Annexure-S to the said counter affidavit.

5. The District Administration of Bhojpur published a notification on 09.05.2012 in daily newspapers and applications were invited including from those who had been included in the earlier panel and such candidates who were covered by any judicial order of the Court for a fresh deliberation. Subsequently a corrigendum had to be issued on 09.05.2012 where it was clarified that there was no necessity for candidates of earlier panel to apply afresh. Such corrigendum was also



considered by the learned Judge in MJC No.1087 of 2012.

6. The District Administration further issued a press note in the daily newspapers including Aaj, Dainik Jagran etc. dated 12.09.2012 and 16.09.2012 asking the candidates of the earlier panel as well as those candidates who were covered by the Hon'ble High Court's order to submit evidence with regard to their working experience within a period of 15 days from the date of publication through registered post. It was also clearly stated that no evidence would be accepted beyond the stipulated period of 15 days of the publication.

7. It is the categorical statement and stand of the District Magistrate that these petitioners did not submit any evidence with regard to their working experience hence their applications was not reconsidered or reworked.

8. On the basis of the evidence submitted by the candidates, a draft panel list of Ummidwar Peons was issued on 10.10.2013 seeking further clarification etc. indicated in the said list of the panel, a copy of which is Annexure-X to the said supplementary counter affidavit. Even a clarification/instruction was sought from General Administration Department, which was received vide Letter No.19821, dated 31.12.2013 and after considering the above aspects a final panel was prepared and notified. Some of the names of the petitioners did find mentioned in the said panel but they are way below in the list.



9. Even after the publication of the final panel dated 10.05.2014, more objections were raised, which was duly considered by the District Selection Committee, Bhojpur and the outcome of the deliberation is reflected from Annexure-7 of the writ application and which is also Annexure-F to the counter affidavit.

10. The Collector has further stated that in terms of the direction issued in CWJC No.24420 of 2013 to consider the report submitted by the Deputy Collector (Nazarat), Bhojpur, the petitioners were given notices to be present on 06.08.2014 at the Collectorate. During the course of hearing, the petitioners stated that they did not have knowledge with regard to furnishing of work experience in terms of the corrigendum. After the hearing, a speaking order dated 21.08.2014 was passed, which is Annexure-E to the counter affidavit.

11. From the materials and submissions made, it is evident that adequate opportunity was given to the petitioners to make out a case of any infirmity in the qualification as well as the position, which was given to them in the panel. Since none of these petitioners furnished any work experience in terms of the press note published on 12.09.2012 and 16.09.2012, the respondent authorities had to take a final decision to complete the process in terms of the Advertisement No.1/2012-13.

12. The Court is satisfied that the only reason why these petitioners are making a hue and cry is because they themselves have failed to bring evidence and satisfy the respondents of the claims, which



is sought to be made before this Court. The petitioners have not controverted the facts with regard to not submitting their objection and evidence within the timeframe after the paper publication and if that was so, they cannot be now rewarded by upsetting the final panel, which has already been notified and appointments made.

13. It is not a case that the earlier directive of the Court was not followed or ignored. The bona fide of the respondents, therefore, is not a suspect.

14. In the above given facts and circumstances, the Court is not inclined to give any relief to the petitioners by interfering with the panel so prepared and given finality to by making appointments, after the deliberations have been done in an open manner by giving opportunity to one and all.

15. Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	23.09.2016
Uploading Date	15.12.2016
Transmission Date	NA

