

IN THE HIGH COURT OF JUDICATURE AT PATNA

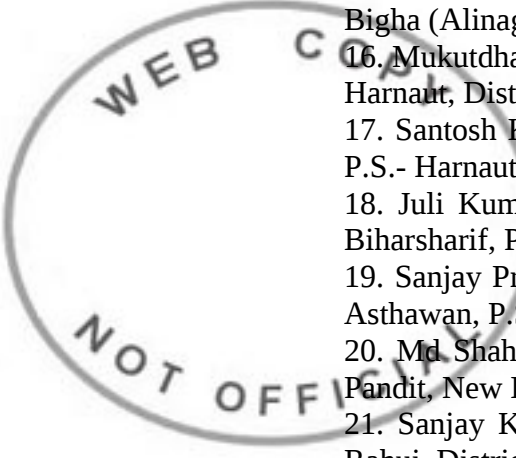
Civil Writ Jurisdiction Case No.14038 of 2015

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1. Arvind Kumar Son of Shri Mathura Mahto, resident of at Asha Nagar Krishna Lodge, P.O. + P.S.- Sohsarai, District- Nalanda. (Roll No. 1201103338)
 2. Anish Kumar Srivastava, Son of Chandrama Jit Prasad, resident of C/o Sri Arun Prasad, Ara, RMS, Ara, District- Ara (Bhojpur). (Roll No. 1201105540)
 3. Abhinash Kumar, son of Bhajdeo Prasad, resident of Mohalla- Kisanbag, P.O.- Rana Bigha, P.S.- Laheri, District- Nalanda. (Roll No. 1201105554)
 4. Abhimanyu Kumar, son of Braj Kishore Prasad Srivastava, Flat No. 353, Lal Bahadur Shastri Nagar, District- Patna. (Roll No. 1201103586)
 5. Upendra Kumar Son of Krishna Nandan Prasad, resident of 1st Floor Devsharan Lodge, Kathal Tola, P.O.- Sohsarai, P.S.- Sohsarai, District- Nalanda. (Roll No. 1201105129)
 6. Vishwa Bandhu, son of Ram Lakhan Yadav, resident of village + P.O.+ P.S.- Rahui, District- Nalanda. (Roll No. 1201103675)
 7. Rohit Kumar, son of Basant Saw, resident of Mohalla- Karunabag (Gallapatti), P.O. + P.S.- Sohsarai, District- Nalanda. (Roll No. 1201105440)
 8. Manoj Kumar Singh, son of Shyam Bihari Singh, resident of New Pundag Jagarnath Vihar Colony, Sec- II, Near Site- 4, P.O.- Pundag, District- Ranghi (Jharkhand). (Roll No. 1201106009)
 9. Mithilesh Kumar, son of Sri Lalan Choubey, resident of Gayatri Bhawan Shivpuri Buxar, P.O. + P.S.- Buxar, District- Buxar. (Roll No. 1201100256)

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Co-ordination Committee, Judges Court Road, Civil Court, Patna, P.O.- Bankipur, District- Patna
3. The Convener, Co-ordination Committee, Patna cum District and Sessions Judge, Patna Judges Court Road, Civil Court, Patna, P.O.- Bankipur, District- Patna
4. The District and Sessions Judge, Sitamarhi cum Member of Co-ordination Committee, Judges Court Road, Civil Court, Patna, P.O.- Bankipur, District- Patna
5. The member of Co-ordination Committee, Patna cum District and Sessions Judge, Darbhanga, District- Darbhanga.
6. The Member of Co-ordination Committee, Patna cum District and Sessions Judge, Lakhisarai, District- Lakhisarai
7. The Member of Co-ordination Committee, Patna cum District and Sessions Judge, Kishanganj, District- Kishanganj
8. The member of Co-ordination Committee, Patna cum District and Sessions Judge, Gaya, District- Gaya
9. The member of Co-ordination Committee, Patna cum District and Sessions Judge, Siwan, District- Siwan
10. Surendra Prasad Son of Aklu Ravidas, resident of village- Noorsarai, Hilsa Road, P.O.- Noorsarai, District- Nalanda
11. Ramesh Kumar, son of Binod Chaudhary, resident of 4H/52 Manki Bhawan Aiswarya Srinagar, Mahabir Mandir, Bhut Nath Road, Patna, District- Patna
12. Shashi Kant Kumar, son of Rameshwar Paswan, resident of C/o- 118 RCC Gree C/o- 56 APO Shalimar J& K, PIN- 930118
13. Binod Kumar Choudhary, Son of Aklu Choudhary, resident of village- New Damariya, P.O.- Anisabad, P.S.- Gardanibagh, District- Patna

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14. Jagdish Choudhary, son of Ukaru Choudhary, resident of village + P.O.- Gonawan, P.S.- Manaut, District- Nalanda
 15. Dharmendra Kumar, son of Jagdish Choudhary, resident of Mohalla- Kadir Bigha (Alinagar), P.O.- Alinagar, P.S.- Biharsharif, District- Nalanda
 16. Mukutdhari Lal, son of Sri Rohit Lal, resident of village- Rupaspur, P.O. + P.S.- Harnaut, District- Nalanda
 17. Santosh Kumar, son of Sita Ram Rajak, resident of village- Rupaspur, P.O. + P.S.- Harnaut, District- Nalanda
 18. Juli Kumar, D/o Rajendra Choudhary, resident of Mohalla- Murarpur, P.O.- Biharsharif, P.S.- Laheri, District- Nalanda
 19. Sanjay Prasad, son of Bachchu Mahto, resident of village- Dhobi Bigha, P.O.- Asthawan, P.S.- Adthawan, District- Nalanda
 20. Md Shahanshan Azam, son of Ram Chandra Pandit, resident of C/O Sumant Pandit, New Etwarpur Adityapuri Patna, P.O.- Kurthaul, District- Patna
 21. Sanjay Kumar, son of Nathun Tati, resident of village + P.O.- Pesaur, P.S.- Rahui, District- Nalanda
 22. Sudhir Kumar Gupta, son of Lakhan Ram, resident of Mohalla- North Mandiri, P.O.- G.P.O., Patna, P.S.- Budhar Colony, District- Patna
 23. Md. Hamid Raza, son of Late Shamim Akhtar, resident of Mohalla- New Millat Colony- 3, Khagaul Road, Phulwarisarif, Patna, District- Patna
 24. Prem Ranjan Kumar, son of Ashok Kumar Sharma, resident of village + P.O. + P.S.- Sohsarai, District- Nalanda
 25. Satyendra Kumar, son of Bhuneshwar Prasad, resident of C/O Mohan Prasad Verma, Math Laxmanpur, Koeri Tola Gulzarbag, District- Patna
 26. Ramesh Kumar, son of Sita Ram Prasad, resident of village- Tahal Tola, P.O. + P.S.- Dhanout, District- Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh

For the Respondent/s : Mr. KINKAR KUMAR, SC 27

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-04-2016

Writ application is dismissed now in view of the factual position emerging from the meeting of the Co-ordination Committee, which has been annexed as Annexure-T to the second supplementary affidavit, filed on behalf of respondents. The position with regard to the claim of the petitioners emerges in para 2 and 3 of the said decision, which has been reproduced herein below:



“2. The Committee further considered the grievance of the writ petitioners that they have been wrongly left out in the Final Merit List dated 07.08.15. The Committee found that last candidate of B.C. Category who had obtained 89 Marks was appointed Vide Serial No.138 of the Merit List dt. 07.08.15. His date of birth is 31st December, 1973. Since no further berth was available for B.C. Candidate, hence the remaining candidates of B.C. Category who had obtained 89 Marks i.e. Rajiv Kumar whose date of birth is 9th March, 1975 and Petitioner No.3 Abinash Kumar whose date of birth is 10th March, 1980 were not appointed considering their lower age. Petitioner No.1 got 87.33 Marks, Petitioner No.5 got 87.33 Marks, Petitioner No.6 got 88.33 Marks and Petitioner No.7 got 87.33 Marks. All the aforesaid petitioners belonged to the B.C. Category and no B.C. Category candidate having obtained less than 89 Marks were appointed. Hence, they have put wrong claim.

3. Similarly, the last general category candidate appointed through the Merit List dt. 07.08.15 is Gulab Chandra Vishwakarma at Serial No. 143 of the Merit List. Vishwakarma had obtained 88.33 Marks and his date of birth is 15 February, 1975. Petitioner no.2 and Petitioner no.8 had also obtained 88.33 marks

but their date of birth are 5th January, 1982 and 18th February, 1980 respectively. There was no berth for them in the Final List prepared according to roster on 07.08.15. Other Petitioner Nos. 4 & 9 had obtained only 87 Marks and they belonged to General Category. No Candidate of General Category having less than 88.33 Marks have been appointed. Therefore, claim of none of the petitioners is acceptable.”

After this affidavit has been filed, now the petitioners have changed their track and they are claiming that there should be a direction upon the respondents to fill up the vacant post as the panel is supposed to have a life for a period of two years. Such claim cannot be clubbed with the present writ application.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26/04/2016
Transmission Date	