

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1109 of 2011

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1. Anand Prakash S/O Sri Nagendra Prasad Sinha, resident of Slum Flat No. - 196, Lohia Nagar, P.S.- Kankarbagh, Town and Dist.- Patna, presently posted at T.B. Exhibition and Training Center, Agamkuan, Patna
 2. Mithilesh Singh S/O Late Ram Lakshman Singh, resident of village - Mahajanpura, P.S.- Surangapur, Dist- Jehanabad, presently posted in the office of the Dy. Director (T.B.), Agamkuan, Patna
 3. Girish Nandan S/O Late Bankey Bihari, resident of village - Sarwanpur, P.S.- Manpur, Dist.- Nalanda, presently posted at T.B. Exhibition & Training Center, Agamkuan, Patna
 4. Basant Ram S/O Sri Mudrika Ram, resident of village - Majhuli P.S. /P.O.- Sighana, Dist.- Aurangabad, presently posted at I.D. Hospital, Gaya
 5. Bhim Kumar S/O Sri Sukhadev Singh, resident of Village/Post- Tayar, P.S.- Akbarpur, District- Nawada, presently posted at Dist. T.B. Center, Aurangabad
 6. Mukund Kumar S/O Shyam Nandan Singh Village/P.S. - Karpi, Dist- Arwal, presently posted at P.H.C. Phulwarisharif
 7. Baijnath Thakur S/O Late Gokul Thakur, resident of village - Babupura, Dist.- Sahebganj, Jharkhand, presently posted at Dist. T.B. Center, Aurangabad
 8. Subodh Kumar S/O Sri Rajendra Rai, resident of Village/P.O./ P.S. - Bocha, Dist- Muzaffarpur, presently posted at Additional T.B. Center, Muzaffarpur
 9. Pawan Kumar S/O Late Umeshwar Prasad, Village - Fathepur P.S.- Palwalpur, Dist.- Nalanda, presently posted at T.B.D.C., Patna
 10. Rajkumar Suman S/O Sri Baldeo Prasad, resident of village - Baghna, P.S. Akbarpur, Dist.- Nawada, presently posted at District T.B. Center, Jehanabad
 11. Manoj Kumar S/O Late Basudev Prasad, resident of village - Paithna, P.S.- Bhagan Bigha, Dist- Nalanda, presently posted at P.H.C. Danapur
 12. Ashok Kumar Sinha S/O Sri Brij Kishore Prasad Sinha, resident of village - Chabilatar, P.S.- Pandarak, Dist.- Patna, presently posted in the office of Dy. Director (T.B.), Health Services, Agamkuan
 13. Anil Kumar S/O Late Ram Lakhan Singh, resident of Dipa Kunj, Near Block Colony, Hilsa, Dist- Nalanda, presently posted at District T.B. Center, Jehanabad
 14. Ravindra Kumar S/O Sri Rajeshwar Singh, resident of village - Sulemanpur, P.S.- Kako, Dist,- Jehanabad, presently posted in the office of the Dy. Director (T.B.), Agamkuan, Patna

.... Petitioners

Versus

1. The State of Bihar, through its Chief Secretary, Old Secretariat, Patna
2. The Secretary, Department of Personal and Administrative Reforms, Govt. Of Bihar, Secretariat, Patna
3. Director-In-Chief, Health Services, Govt. of Bihar, Secretariat, Patna
4. The Secretary, Dept. of Health, Govt. of Bihar, Secretariat, Patna
5. The Bihar Staff Selection Commission, Veterinary College, Patna - 14, through its Secretary
6. The Chairman, Bihar Staff Selection Commission, Veterinary College,

Patna - 14

.... Respondents

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Adv.

For the Respondent/s : Mr. AC to PAAG

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 08-03-2016

Heard Sri Anil Kumar Tiwary, learned counsel for the petitioners, learned AC to Principal Addl. Advocate General as well as learned counsel, who has appeared on behalf of Respondent/Bihar Staff Selection Commission.

In the present writ petition, fourteen petitioners invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, have made a prayer to command the Respondents to discharge their statutory duty under the Bihar Staff Selection Act, 2002 and hold limited Competitive Examination for appointment of Class-III Posts from Class-IV posts in view of Government Resolution i.e. Annexure-2 to the writ petition issued in the year 1995.

On perusal of the record, it appears that in the year 1996 also, almost in respect of similar relief, a writ petition was filed by Class-IV employees of the Labour Employment and Training Department of the State of Bihar, which was disposed of on 16.01.1998 with direction to take steps for filling up of 50 %

vacancies of Class-III posts from Class-IV posts in accordance with law. Thereafter, contempt petitions were also filed and examination was conducted. Petitioners have taken plea that despite the fact that there were several vacancies, only two posts were filled up. However, such fact has not been elaborately discussed either in the writ petition or in the counter affidavit.

In this case a counter affidavit has been filed on behalf of Respondent no.2 i.e. the Principal Secretary, General Administrative Department, Bihar, Patna on 27th January, 2016 and a stand has been taken that a new rule has already been framed for the purposes of filling up of Class-III posts.

In view of the fact that a new rule has already been framed for filling up Class-III posts either in the offices of Mufassil/ Collectorate or in the Secretariat, the Court considers that no further direction can be issued particularly in view of relief sought for in the present writ petition. The Court expects that the Respondents shall take steps in view of new rules for filling up the vacancies in accordance with law.

The writ petition stands disposed of

(Rakesh Kumar, J)

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