

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9586 of 2013

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1. Umesh Prasad Singh, S/O Sri Munga Lal Singh, R/O Village- Kajla Tola, Post-Dhantola, P.S.-Dighal Bank, District- Kishanganj
 2. Jai Prakash Das, S/O Sri Hari Ram Das, R/O Subhash Palli, Ward No. 29, P.S. + P.O. And District- Kishanganj
 3. Shamsh Alam Ansari, S/O Gul Mohamad Ansari, R/O Village and P.O.- Belwa, P.S. + District- Kishanganj
 4. Ashraf Imam, S/O Sri Zafar Imam, R/O Moh.- Line Mohalla Chaprasitola, Ward No. 24, P.O.+ District- Kishanganj
 5. Md. Farooque Azam, S/o Md. Usuf Ali, R/O Village- Chhagalia, Ward No. 13, P.O. P.S.- Belwa Hat, District- Kishanganj

.... Petitionerss

Versus

1. The State of Bihar through its Chief Secretary
2. The Secretary, Personnel and Administrative Reforms Department, Bihar, Patna
3. The Commissioner, Purnea Division, Purnea
4. The District Magistrate/Collector, Kisanganj, Bihar
5. The Dy. Development Commissioner, Kisanganj, Bihar
6. The Establishment Dy. Collector, Kisanganj, Bihar
7. The District Welfare Officer, Kisanganj, Bihar
8. The Additional Collector, Kisanganj, Bihar
9. The Dy. Collector, District Nazarat Kisanganj, Bihar

.... Respondents

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Appearance :

For the Petitioners/s : Mr. Manoj Kumar, adv.

For the Respondent/s : Mr. Mithlesh Prasad Singh, A.C. to S.C.23.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2016

Heard learned counsel for the petitioners and learned

counsel for the State.



2. In the present case, the petitioners are claiming that they are applicants against the advertisement No.2 of 1999 issued by the Collector, Kishanganj for empanelment of 4th Grade employees. In pursuance thereof, by applying wrong method and manipulation, a panel was prepared, which was challenged before the different authorities, became the subject matter of inquiry and it was found that the panel was prepared in an illegal and irregular manner, those who are competent have been left out and certain persons have illegally been included in the said panel. Ultimately, the matter came before this Court in C.W.J.C. No.912 of 2007, the Court has directed the Collector, Kishanganj to issue notice to the persons whose name are standing in the panel and after hearing them set aside the appointment and prepare a fresh panel strictly in the light of the instructions of the Government contained in Circular letters dated 03.12.1980, 26.5.1987 and 24.4.1997.

3. The aforesaid order was challenged before the Division Bench. The Division Bench remitted back the matter to the learned Single Judge for deciding the case on its merit. The learned Single Judge heard the said writ application on 22.01.2015 and relegated the case to the Collector to consider the issue

involved in the present case and pass appropriate order within a reasonable period, but after giving proper opportunity to the effected parties.

4. As the matter is still pending before the Collector, Kishranganj and no order has been passed, in such a situation, this Court cannot entertain the present application. Accordingly, this writ application is dismissed. However, the petitioners are at liberty to raise their grievance before the Collector, who will examine the case of the petitioners. If it is found that the petitioners had applied against the advertisement No.2 of 1999 and so much so fulfils the conditions mentioned in the advertisement, the Collector, Kishanganj will act in accordance with law.

(Shivaji Pandey, J)

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CAV DATE	
Uploading Date	22/7/2016
Transmission Date	