

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13528 of 2013

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1. Md. Iftikar Mansoori, son of Md. Mokinuddin, resident of village-Ashraf Nagar, P.S- Ghogha, P.O- Sakrama, District- Bhagalpur.
 2. Anil Rajak @ Anil Kumar Rajak, son of late Jhunu Rajak, resident of Mohalla Kila Ghat Road, Sarai, P.S- Tatarpur, District- Bhagalpur.
 3. Ravi Shankar Singh, son of Sri Pratap Singh, resident of village- Chandanpura, P.S- Nayaram Nagar, P.O- Jamalpur, District- Munger.

.... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna-1.
3. The Commissioner, Bhagalpur Division, District- Bhagalpur.
4. District Magistrate, Bhagalpur.
5. The Deputy Collector, (Establishment), Bhagalpur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Respondent/s : Mr. Anil Kumar Singh, G.P.-26.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-12-2016

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. In this case, the petitioners have raised a grievance that though they have been working since 2001, but having not been empanelled in the class-IV employee.



3. As per the claim of the petitioners they are working as daily wagers in class-IV posts and for making a permanent appointment, the Collectoriats, Bhagalpur has prepared a panel and out of that panel the appointment in the permanent post was made, but the name of the petitioners were left out.

4. For the aforesaid exercise, an advertisement was made for appointment on class-IV post. As the name of the petitioners were not mentioned in the panel of daily wagers and as such their cases were not considered. As per the claim of the petitioners, their names should have been in the panel of daily wagers as junior to them have been empanelled.

5. While making submission, learned counsel for the petitioners has given example of one Nirmal Kumar, whose date of birth is 18.1.1980, has been empanelled in the list of daily wagers. But, in the counter affidavit, the State has taken a positive plea that said Nirmal Kumar is senior to the petitioners at least by 10 years as his date of birth is 18.01.1965 not 18.01.1980.

6. As the claim has been made that the petitioners are discharging the duty as daily wagers continuously since 2001, if in future the Collectoriats, Bhagalpur prepares any panel of daily



wager, the case of the petitioners would also be considered, if they qualify all the conditions for the purposes of empanelment.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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