

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13500 of 2013

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Pramod Singh @ Brahmdeo Singh S/O Anuplal Singh Resident Of Village And
P.O- Bahadurpur, P.S- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Agriculture Department, New Secretariat, Vikash Bhawan, Patna.
2. The District Magistrate- Cum- Collector, Bhagalpur, District- Bhagalpur.
3. The Deputy Development Commissioner, Bhagalpur, District- Bhagalpur.
4. The District Agriculture Officer, Bhagalpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sardanand Mishra, Adv.

For the Respondent/s : Mr. Neeraj Kumar, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-01-2016

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is claiming for appointment as Village Level Worker (V.L.W.). He was selected and sent for training but could not be appointed. The matter with regard to appointment of V.L.W. ultimately went to Hon'ble Apex Court and the Hon'ble Apex Court has taken note of the fact that the panel which was prepared for the V.L.W. remained inoperative on account of laches on the part of the State of Bihar and directed for fresh selection as also to grant exemption to those who have already become over-aged. On the order passed by the Hon'ble Apex Court,



the respondents remained unmoved which compelled the petitioner and others to approach this Court in CWJC No. 15681 of 2008 wherein the Court had held that the decision dated 27.3.1992 will remain inapplicable with regard to selection process of the petitioner and others as has already been decided in the case of Dilip Kumar Gupta and directed that the selection will be made as per the 1987 Rules as the Selection Committee cannot change the mode of selection once the game has already been initiated. In pursuance thereof, the petitioner and some other persons were considered for selection but, as the petitioner has obtained only 39 marks and the position in the panel was below, he could not be appointed as a V.L.W. Altogether, seven persons of different classes were appointed as V.L.W.

A grievance has been raised by the petitioner that the Selection Committee has wrongly applied 1992 Rule and, by applying wrong method, he has been shown to have obtained only 39 marks.

Learned counsel for the State has drawn attention of this Court to the fact that the selection has been made in terms of 1987 Rules which has been mentioned in the notification for the purpose of selection. The claim of the petitioner that 1992 Rules has been applied is completely unsustainable. In that view of the matter, learned counsel for the State refers to the proceeding dated 13.4.2013 wherein

it has specifically been mentioned that the Selection Committee has applied 1987 Rules which was embodied in the notification.

Since, the petitioner has already reached the age of 58 years, his position in the panel is below. Looking to the attending facts and circumstances of the case, the claim of the petitioner is not sustainable.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

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