

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6674 of 2013

=====

1. Bateshwar Sao Son Of Late Muso Sao Resident Of Village- Navdiha, P.O. And P.S.- Khaira, District- Jamui

2. Prem Nath Rai Son Of Sri Vidya Rawat Resident Of Village- Lathane, P.O.- Suggi, P.S. And District- Jamui

3. Arvind Kumar Singh Son Of Sri Balmukund Singh Resident Of Village And P.O.- Dadha, P.S.- Barahat, District- Jamui

4. Satish Kumar Sinha Son Of Sri Birendra Prasad Sinha Resident Of Shastri Colony, P.S. And District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar

2. Principal Secretary, General Administration Department, Govt. Of Bihar, Patna

3. District Magistrate-Cum-Collector (Chairman, District Selection Committee), Jamui

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs. Anju Narain,
Mr. Umesh Kumar Roy, Advocates.

For the State : Mr. Ashish Kumar Lal, AC to GA XII

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-05-2016

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

In the present writ petition, petitioners are seeking relief for regularisation of their service in Class IV posts in Jamui Collectorate.

During pendency of this application out of four persons, three persons, namely, Bateshwar Sao, Prem Nath Rai and Arviund Kumar Singh have been regularised in service. With regard to 4th, namely Satish Kumar Sinha explanation has been given that he did not come in the zone of consideration and as

such benefit of regularisation in service was not extended to him.

In paragraph 22 of the counter affidavit of respondent no.3 it has been mentioned that Beteshwar Sao and Prem Nath Rai belonging to EBC category who were at sl.no.50 and 64, they were recommended for appointment against the available vacancy. Petitioner no.3, namely, Arvind Kumar Singh of general category was at sl.no. 77, was also recommended for appointment against the vacancy of the District Education Office, Jamui.

In the same paragraph it has been mentioned that petitioner no.4, Satish Kumar Sinha of general category who finds place at sl.no.186 of the third revised final merit list was found beyond zone of consideration in the light of available vacancies as per approved reservation roster. Again Satish Kumar Sinha, petitioner no.4 of general category who shifted to sl.no. 187 of 4th revised final merit list, remained beyond zone of consideration in general category candidate and last at sl.no.142 has been considered in the light of available vacancies as per approved reservation roster.

Out of four persons 3 persons have been regularised in service as petitioner no.4 did not come to the zone of consideration could not be selected. As no any allegation of malafide has been raised by petitioner no.4 those came in zone

of consideration have been appointed. Petitioner no.4 position was at sl.no.187 in general category the candidate of general category and the candidate up to sl.no.142 could be considered.

Learned counsel for the petitioners has tried to impress upon this Court that in what manner his position has been at sl.no.187 below 142 in the final list has not been explained. The petitioner has nowhere made allegation of malafide against any one. It was done in due course whoever came under the zone of consideration in the available vacancies have been absorbed.

This Court does not find any error in absorption of candidate against the available vacancies in Class IV post. There is no purpose to proceed further to investigate the matter of absorption. It goes without saying that if there would be any future appointment the case of petitioner no.4 will also consider in accordance with law.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.5.2016
Transmission Date	