

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10847 of 2013

Shankar Kumar Rai, son of Balram Rai, resident of Village Belwari, Post Belwari
via Salmari, P.S. Azamnagar, District Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar through Collector, Katihar
2. The Collector, Katihar
3. The District Program Officer, Katihar
4. The Block Program Officer, Azamnagar, Katihar
5. The Sub divisional Officer, Barsoi, Katihar
6. The Block Development Officer, Azamnagar, Katihar
7. The Circle Officer, Azamnagar, Katihar
8. Sri Kailash Ravi Das S/O Manik Ravidas R/O Village- Khapra, Post- Belwari, Azamnagar, District-Katihar

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12537 of 2013

Kailash Ravidas, son of Manik Ravidas, resident of Village Khoparha Gram
Panchayat Singhoul, P.S. Azamnagar, District Katihar

.... Petitioner/s

Versus

1. The State Of Bihar through Collector, Katihar
2. The District Program Officer, Katihar
3. The District Welfare Officer, Katihar
4. The Sub divisional Officer, Barsoi, Katihar
5. The Sub-divisional Welfare Officer, Barsoi, Katihar
6. The Block Development Officer, Azzamnagar, Katihar
7. The Block Programme Officer, Azamnagar, Katihar
8. The Circle Officer, Azamnagar, Katihar
9. The Block Welfare Officer, Azamnagar, Katihar
10. The Circle Inspector, Azamnagar, Katihar
11. Sri Shankar Kumar Rai, son of Baliram Rai, resident of Village Belsandi, Panchayat Singhroul, P.S. Azamnagar, District Katihar.

.... Respondent/s

Appearance :

(In CWJC No. 10847 of 2013)

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Advocate.
Mr. Ranjan Kumar Dubey,

For private Respondent : Mr. Rajendra Prasad Sah, Advocate.

For the State : Mr. Manoj Kumar Sinha, Ac to SC 30

(In CWJC No. 12537 of 2013)

For the Petitioner/s : Mr. Rajendr Prasad Sah, advocate.

For the State : Mr. S. Raza Ahmad, Sr. Advocate, AAG IX
Mr. Vishwambhar Prasad, AC to AAG IX

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-04-2016

Heard the parties.

Since both the cases have arisen out of the same dispute, with the consent of parties they have been heard together and are being disposed of by this common order.

Petitioner is seeking relief for appointment of Vikash Mitra. Claim has been made that petitioner belonged to Hadi caste and in the area Hadi caste is in majority whereas Chamar are less in number. It has been claim that there are 87 families of Hadi caste out of which there are 175 voters and 36 families of Chamar caste out of which there are 57 voters. Appointment of a person belonging to Chamar caste is completely illegal and de hors to the executive instruction for the appointment of Vikash Mitra. As per instruction only member of caste in majority will be eligible for consideration to the post of Vikash Mitra.

The Collector has constituted a committee and committee after thorough enquiry has submits its report where it has been found that Hadi caste are in majority and Chamar are lesser than Hadi caste. Ultimately the District Magistrate vide order dated 6.4.2013 has arrived to a finding that Hadi caste is higher in number and appointment of private respondent is against the

executive instruction of the State Government and directed that petitioner be appointed in place of respondent. But instead no appointment has been effected in favour of the petitioner. Vikash Mitras are appointed on contract basis for 11 months. The period for which private respondent was appointed has already lapsed and a fresh process of selection has been initiated.

In such view of the matter, this Court cannot pass any order in favour of the petitioners. Respondents are directed to complete the process of appointment of Vikash Mitra without unnecessary delay preferably within a period of three months from the date of receipt/production of a copy of this order. It is made clear that appointment will be made of those persons who belong to majority class.

With the aforesaid observation these writ petitions are disposed of.

(Shivaji Pandey, J)

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