

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7598 of 2008

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Jitendra Ram, son of Ram Chandra Ram, resident of village-Bhou Prasad,
Parmanand Pur, P.S.-Dumra, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Sheohar, District- Sheohar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

Mr. Devendra Kumar, Adv.

For the Respondent/s : Mr. Chandra Shekhar Singh, A.C. to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-11-2017

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

2. In the present case, the grievance has been raised by the petitioner that he was discharging the work of 4th grade on daily wages basis in the Collectorate, Sheohar and his juniors who started working on daily wages basis having been regularized/ appointed on class-IV post, but this petitioner has been left out.

3. As per the petitioner, he and 32 other persons were working in the Collectorate, Sheohar, District- Sheohar on class-IV posts on daily wages basis. A list of 32 daily wagers was prepared for regular appointment. In the said list the name of the petitioner was standing at serial no.30, whereas, the name of one Punit Manjhi



was standing at serial no.16 though the petitioner is claiming to be senior to said Punit Manjhi as the petitioner is working as 4th grade employee since 01.12.1995 whereas Punit Manjhi is working since 2000.

4. This Court vide C.W.J.C. No. 13412 of 2000 directed the issuance of advertisement and selection/appointment of Class-IV employees and in pursuance thereof, seniority list of daily wages employees was prepared on the basis of the date of entry. In the said list the name of Punit Manjhi, Darbeshwar Pandey, Jay Prakash Pandey, Dharmendra Baitha, Ashok Kumar Singh and Gajendra Rai have been included and they were appointed/selected on Class-IV posts but the petitioner has been left in high and dry though he is senior to the above persons.

5. In the counter affidavit, sole stand has been taken as the petitioner did not approach this Court he was not given the benefit. The litigation policy of the State is that there should not be unnecessary litigation and all possible cases should be resolved outside the Court, not compelled the person to approach the Court. However, the stand taken in the counter affidavit is completely *de hors* to the litigation policy of the State. When the direction was given for advertisement and selection, the presumption is that the



selection would be made according to the seniority and as per rule, not on the ground that the person has not approached this Court.

6. As there is no denial by the State that the juniors to the petitioner have been appointed, in such circumstance, this Court directs the respondent authorities to appoint the petitioner on Class-IV post and place him at proper place. All the process must be completed within six months from the date of receipt/ production of a copy of this order.

7. Accordingly, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

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