

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.346 of 2017

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1. Pramod Kumar, son of Shiwji Pandey, resident of Gram Panchayat Fatehabad, Block Paroo, District Muzaffarpur
 2. Arbind Kumar, son of Shyamdeo Singh, resident of Gram Panchayat Kaphen Madhaul, Block Kudhni, District Muzaffarpur
 3. Birendra Prasad Singh, son of Shankar Bhagat, resident of Gram Panchayat Chadhua, Block Kudhni, District Muzaffarpur
 4. Madan Kumar Singh, son of late Suraj Singh, resident of village and Post Office Jagdishpur, P.S. Sahebganj, District Muzaffarpur
 5. Nandeshwar Prasad, son of late Pradip Prasad, resident of village & Post Office chhitrauli, P.S. Maniyari, District Muzaffarpur
 6. Pravin Kumar, son of Lal Narain Thakur, resident of Sakriman, Post Office Sakri Chandpura, P.S. Pear, District Muzaffarpur
 7. Shashi Ranjan Singh, son of late Chandra Shekhar Prasad Singh, resident of village Sakarwara Savik, Post Office Sakarwara, P.S. gayghat, District Muzaffarpur
 8. Gyan Prakash Singh, son of late Gaya Prasad Singh, resident of village and Post Office Ammma, Block Katra, District Muzaffarpur
 9. Raj Nandan Rai, son of late Sujawal Rai, resident of village Rusalpur, P.O. Karnaul, P.S. Sahebganj, District Muzaffarpur

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
3. The Director, Directorate of Panchayati Raj, Govt. of Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The District Panchayati Raj Officer, Muzaffarpur
6. The Secretary, Bihar Staff Selection Commission, P.O. Veterinary College, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG6
For the Staff Selection : Mr. Kamla Kant Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-03-2017

Heard Mr. Jitendra Kumar Roy, learned counsel for the
petitioners, Mr. Sanjeet Kumar Singh, AC to AAG-6 and Mr. Kamla
Kant Upadhyay, learned counsel for Bihar Staff Selection



Commission.

The petitioners herein are Dalpatis and claim appointment on the post of Panchayat Secretary in the light of the Government policy decision bearing Memo No. 2815 dated 11.6.2008, wherein a decision was taken to fill up the post of Panchayat Secretary from amongst Dalpatis, who were in service.

Mr. Jitendra Kumar Roy, learned counsel appearing for the petitioners, informs that all these petitioners come within the zone of consideration. He also refers to the Division Bench judgment of this Court in the case of **State of Bihar & ors. v. Subhash Chandra Shukla & ors.**, reported in 2009(4) PLJR 569 and a Bench decision of this Court rendered in the case of **Paspat Singh v. the State of Bihar & ors.**, arising from C.W.J.C.No. 12605/2006, to submit that similar issues having been raised, the respondent District Magistrate was directed to do the needful. However, even while espousing the cause of the petitioners Mr. Roy has failed to satisfy this Court whether any such claim has been raised by the petitioners before the authority concerned, in the light of the judgments relied upon by the learned counsel.

In the circumstances discussed, the writ petition is disposed of with the liberty to the petitioners to raise their claim before the District Magistrate, Muzaffarpur or the authority concerned and it



goes without saying that any such claim being raised, the authority concerned shall dispose of the claim of the petitioners in accordance with law expeditiously and preferably within three months from the date of receipt/ production of a copy of this order.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2017
Transmission Date	NA

