

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15771 of 2016

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1. Mangal Kumar, Son of Shankar Yadav, Resident of Village- Chhotki Bela, P.S. Aurangabad, District- Aurangabad.
 2. Vijendra Kumar, Son of Sri Ram Lekhan Yadav, Resident of Village- Karmukhap, P.S. Phesar, District- Aurangabad.
 3. Neeraj Kumar Son of Sri Dwarika Paswan resident of Village- Ramnagar (Karma Road), P.S. Aurangabad (T) District- Aurangabad.
 4. Raj Kumar Son of Sadhu Charan Choudhary resident of Mohalla- Biratpur (Near Rajshree Vidya Mandir), P.S. & District- Aurangabad.
 5. Mirtunjay Kumar, Son of Shiv Shankar Dayal Mishra, resident of Village- Tiwary, Bigha, P.S. Aurangabad (T), District- Aurangabad.
 6. Shyam Sundar Prasad, son of Sri Ganesh Prasad, resident of Mohalla- Biratpur, Gangti Road, P.S. Aurangabad, (T), District- Aurangabad.
 7. Sunil Kumar, Son of Late Mahavir Singh, resident of Village- Bhoja Bigha, P.O. Manjura, P.S. & District- Aurangabad.
 8. Vinod Paswan, Son of Puran Paswan, resident of Village- Suja Karma (Tola Azaj Bigha), P.S. Aurangabad, (M) District- Aurangabad.
 9. Santosh Kumar Singh Son of Sri Ram Chandra Singh, resident of Mohalla- Dani Bigha, P.O. & P.S. & District- Aurangabad.
 10. Anish Kumar Son of Mithilesh Singh, resident of Village- Badwa, P.O. Devaria Kala, P.S.- Phesar, District- Aurangabad.
 11. Udai Kumar Mehta, Son of Late Basudeo Mehta resident of Village- Risiup, P.S. Risiup, District- Aurangabad.
 12. Babloo Kumar Paswan, Son of Sri Vijay Paswan, resident of Mohalla- Jasoia, Misir Bigha, P.O. P.S. & District- Aurangabad
 13. Vivek Kumar, Son of Chandradeo Sao, resident of Mohalla- Shahpur Thakurbaddi, P.O. P.S. & District- Aurangabad
 14. Chandra Shekhar Azad, Son of Raghunath Prasad, resident of Village- Hasuli, P.O. Kunda, P.S. & District- Aurangabad.
 15. Prajuwal Yadav, Son of Sri Jagdish Yadav, resident of Village- Kushi, P.O. Karma Bhagwan, P.S. Aurangabad (M), District- Aurangabad.
 16. Deo Narayan Thakur, son of Anrudh Thakur, resident of Village- Unthu, P.S. Phesar, District- Aurangabad.
 17. Mukesh Thakur, Son of Janardhan Thakur, resident of Village- Thana Bigha, P.O. Unthu, P.S. Phesar, District- Aurangabad.
 18. Rajaram Kumar, Son of Lallu Ram, resident of Village- Harsiha, P.O. Chaukhara, P.S. & District- Aurangabad.
 19. Ajay Kumar, Son of Ram Pravesh Yadav, Resident of Village- Kubhi, P.O. Karma, Bhagwan, P.S. Muffasil, District- Aurangabad.
 20. Saroj Kumar, Son of Ram Pravesh Singh, Resident of Village- Chhakan Bigha, P.O. & P.S. Barun, District- Aurangabad.
 21. Bijnath Prasad Son of Sri Satyadeo Ram, resident of Village- Khutha, P.O. Dihara, P.S. Obra, District- Aurangabad.
 22. Arvind Kumar, Son of Sri Ram Baran Ram, resident of Village- Khutha, P.O. Dihara, P.S. Obra, District- Aurangabad.
 23. Sanjeev Kumar, Son of Ram Datt Ram, resident of Village- Khutha, P.O. Dihra, P.S. Obra, District- Aurangabad.
 24. Lav Kumar, Son of Vijay Yadav, resident of Village- Kushi, P.O. Karma Bhagwan, P.S. & District- Aurangabad.



.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Revenue Department Government of Bihar, Patna.
3. The Secretary, Board of Revenue, Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The Chief Engineer, Irrigation Department, Aurangabad, Bihar.
7. The Executive Engineer, Building Division, Aurangabad.
8. The Rural Engineer Organization, Works Division, Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4640 of 2016

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Binay Kumar Mehta Son of Sri Suryadeo Mehta Resident of Village -Akoni Ps
Hussainabad Po Kajrat Japla, District Palamu

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Old Secretariat, Patna
3. The District Magistrate, Aurangabad.
4. The Chief Engineer, Water Resources Department Aurangabad, Bihar,.
5. The Executive Engineer, Wate Resources Department , North Koyal Canal Division Nabinagar Aurangabad.
6. Baban Ram son of Mathura Ram Resident of Village Bhairapur Ps +District Aurangabad.
7. Rajesh Ranjan Son of Ramrup Ram Resident of Village-Dattu Bigha PS Deo District Aurangabad.
8. Jitendra Kumar son of Rajgir Singh Resident of Village-Gangatti PS +District Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 546 of 2016

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1. Rakesh Kumar Singh, Son of Narendra Singh, resident of Village- Chandrakhar, P.S. Nabinagar, Block- Nabinagar, District- Aurangabad
2. Amresh Kumar Singh Son of Narendra Singh resident of Village- Chandrakhar, P.S. Nabinagar, Block- Nabinagar, District- Aurangabad
3. Ram Pravesh Paswan, Son of Saryu Paswan, resident of Village- Sonpura, P.S. Nabinagar, Block- Nabinagar, District- Aurangabad

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Aurangabad.



4. The Chief Engineer, Water Resources Department, Aurangabad, Bihar
5. The Executive Engineer, Water Resources Department, North Koyal Canal Division, Nabinagar, Aurangabad.
6. Baban Ram, Son of Mathura Ram, resident of Village- Bhairampur, P.S.+District- Aurangabad.
7. Rajesh Ranjan, Son of Ramrup Ram, resident of Village- Dattu Bigha, P.S. Deo, District- Aurangabad.
8. Jitendra Kumar, Son of Rajgir Singh, resident of Gangatti, P.S.- District- Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 17422 of 2016

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1. Bhuneshwar Kumar Sharma, son of late Chauthi Mistry, resident of village Shivnath Bigha, P.O. & P.S. Madanpur, District Aurangabad (Bihar)
2. Anil Kumar Dubey, son of Sri Tripuri Dubey, resident of village Panchamo, P.S. Nabinagar, (N.T.P.C. Khaira), District Aurangabad (Bihar)
3. Hirdyanand Singh, son of late Dhan Bihari Singh, resident of village Shivnath Bigha, P.O. & P.S. Madanpur, District Aurangabad (Bihar)

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Government of Bihar, Patna.
2. The Principal Secretary, General Administration, Government of Bihar, Patna.
3. The Secretary, Board of Revenue, Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The Chief Engineer, Irrigation Department, Aurangabad, Bihar.
7. The Executive Engineer, Building Division, Aurangabad.
8. The Rural Engineering Organization, Works Division, Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1215 of 2017

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1. Santosh Kumar Gupta S/o Krishna Prasad resident of Village Khaira Manjhauli, P.O. Khaira Manjhauli, P.S. Kasma, District Aurangabad.
2. Mandip Kumar S/o Shivraj Paswan resident of Village Baniya P.O. Nagmatian, P.S. Madanpur, District Aurangabad.
3. Dhananjay Kumar S/o Gupteshwar Prasad resident of Village - Badwan Basantpur, P.O. Devaria Kala, P.S. Fesar, District - Aurangabad.
4. Mukesh Kumar S/o Tetar Ram resident of Village Ganpat Tendua, P.O. Rajpur, P.S. Risiup, District Aurangabad.
5. Kanhai Paswan S/o Raja Ram Paswan resident of Village Rawal Bigha, P.O. Kunda, P.S. Muffasil, District Aurangabad.
6. Rahul Kumar S/o Ashok Kumar resident of Village Karma Bhagwan, P.O. Karma Bhagwa, P.S. Aurangabad (M), District - Aurangabad.
7. Ramji Kumar S/o Ashok Ram resident of Mohalla Bus Dipo, P.O., P.S. & District Aurangabad.



8. Pankaj Kumar S/o Raja Ram resident of village Kushi, P.O. Karma Bhagwan, P.S. Aurangabad (M), District Aurangabad.
9. Sunil Kumar S/o Lalan Ram resident of Village Kushi, P.O. Karma Bhagwan, P.S. Muffasil, District Aurangabad.
10. Chandra Deo Sao S/o Baijnath Sao resident of Village Karma Bhagwan (Govind Chak), P.O. Karma Bhagwan, P.S. Muffasil, District Aurangabad.
11. Pankaj Kumar Sinha S/o Rameshwar Prasad resident of Village Bharundha, P.O. & P.S. Risiup, District Aurangabad.
12. Dipak Kumar Barma S/o Ram Narayan Barma resident of Village Bharundha, P.O. & P.S. Risiup, District Aurangabad.
13. Dipak Kumar S/o Krishna Prasad Gupta resident of Village Jasoiya, P.O. , P.S. & District Aurangabad.
14. Munna Kumar Yadav S/o Karu Yadav resident of Village Jasoiya, P.O. , P.S. & District Aurangabad.
15. Sunil Kumar S/o Shyam Kishore Prasad resident of Village Patanwan, P.O. Pandrawa, P.S. Jamhore, District Aurangabad.
16. Devendra Kumar Singh S/o Ram Bilas Singh resident of Village Jasoiya, P.O. , P.S. & District Aurangabad.
17. Ajay Kumar Yadav S/o Dashrath Yadav resident of Village Kama Bigha, P.O., P.S. & District - Aurangabad.
18. Shyam Kishore Singh S/o Ram Pravesh Singh resident of Village Jagdishpur, P.O. Bhartholi, P.S. Jamhore, District Aurangabad.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration, Government of Bihar, Patna.
3. The Secretary, Board of Revenue, Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The Chief Engineer, Irrigation Department, Aurangabad, Bihar.
7. The Executive Engineer, Building Division, Aurangabad.
8. The Rural Engineering Organization, Works Division Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4936 of 2016

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1. Kamlesh Paswan, Son of Karoo Paswan, resident of Amrasi Bigha, P.O.+P.S.- Gurua, District- Gaya.
2. Sunil Kumar, son of Bijay Rajak, resident of Mohalla- Aurangabad, P.S. & District- Aurangabad.
3. Dharmendra Paswan, son of Jageshwar Paswan, resident of Khakhra Toli Telia Bigha, P.O.+P.S.- Kunda, District- Aurangabad.
4. Chandra Shekhar Prasad, son of Raghunath Prasad, resident of Village- Hasauli, P.S.- Kunda, District- Aurangabad.
5. Piyush Kumar, son of Late Ganesh Paswan, resident of Village+P.O.- Sagahi, District- Aurangabad.
6. Hemant Kumar, son of Bharat Singh, resident of Near Aurangabad Town, P.S. & District- Aurangabad.
7. Birmani Bir Pratap, son of Ram Lochan Paswan, resident of Village- Pilchi, P.S.-



Daudnagar, District- Aurangabad.

8. Awadhesh Kumar, son of Mandichan Ram, resident of Village- Pilchi, P.S.- Daudnagar, District- Aurangabad.

9. Anand Kumar, son of Madi Chandra RAM, resident of Village- Pilchi, P.S.- Daudnagar, District- Aurangabad.

10. Sunil Kumar, son of Bhola Paswan, resident of Village- Allahudichak, P.S.- Sherghati, District- Gaya.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.

3. The Secretary, Department of Administrative Reforms, Government of Bihar, Patna.

4. The District Magistrate, Aurangabad.

5. The Chief Engineer, Water Resources Department, Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2841 of 2016

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Md. Sitabuddin Son of Md. Shamim resident of Villge- Lai, P.s Bihta, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. The Principal Secretary, Water Resource Department, Old Secretariat, Govt. of Bihar, Patna.

3. The District Magistrate, Aurangabad.

4. The Chief Engineer, Water Resources Department, Aurangabad.

5. The Executive Engineer, Quality Control Division, Water Resources Department, Aurangabad.

6. Rameshwar Choudhary, the Chief Engineer, Water Resources Department Aurangabad.

7. Anand Kumar Jha, the Executive Engineer, Quality Control Division , Water Resources Department Aurangabad;

.... Respondents

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Appearance :

(In CWJC No.15771 of 2016)

For the Petitioner/s : Ms. Asha Verma, Adv.

Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : Mr. Rakesh Kumar Shrivastava, AC to GP15

(In CWJC No.4640 of 2016)

For the Petitioner/s : Ms. Asha Verma, Adv.

Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : Mr. Birju Prasad, GP13

(In CWJC No.546 of 2016)

For the Petitioner/s : Ms. Asha Verma, Adv.

Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : Mr. AC to SC17



(In CWJC No.17422 of 2016)

For the Petitioner/s : Ms. Asha Verma, Adv.
Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC8
(In CWJC No.1215 of 2017)

For the Petitioner/s : Ms. Asha Verma, Adv.
Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG3
(In CWJC No.4936 of 2016)

For the Petitioner/s : Mr. Shravan Kumar, Sr.Adv.
Mr. Phulendra Kumar, Adv.

For the Respondent/s : Mr. Anshuman Singh, GP24
(In CWJC No.2841 of 2016)

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

For the Respondent/s : Mr. Rohitabh Das, AC to AAG10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-08-2017

Heard Ms. Asha Verma, Mr. Phulendra Kumar, and Mr. Shravan Kumar, learned counsel for the petitioners and the learned counsel for the State appearing in the respective writ petitions.

The petitioners are intending applicants against Class IV posts that lie vacant in the Aurangabad Collectorate and seek a very reasonable relief from this Court for issuance of an appropriate direction to the District Magistrate, Aurangabad to take his resolution dated 14.11.2015, a copy of which is placed at Annexure 2 to C.W.J.C.No. 15771/2016, to its conclusion and hold a selection process for filling up Class IV post available within his district in accordance with law within a reasonable time.

It is not in dispute that these petitioners were not in the panel which was so prepared following the selection process initiated



pursuant to Advertisement No. 1/2009. It is also not in dispute that the cases of these petitioners are not covered by the order passed by this Court in the writ petitions referred to in the resolution of the Committee headed by the District Magistrate, Aurangabad dated 14.11.2015. All that these petitioners pray is that since according to the Committee headed by the District Magistrate, Aurangabad himself the validity of the panel has since lost its force in terms of the provisions underlying the Bihar Group-D Appointment and Service Condition Rules, 2010 and since it is the opinion of the Committee itself that an extension of the panel would be prejudicial to the interest of such of the applicants who have gained eligibility in the meanwhile, for such appointment, then such opinion should be taken to its logical conclusion.

Practically there is no opposition to such a prayer and in fact the counter affidavit filed on behalf of the District Magistrate, Aurangabad in C.W.J.C.No. 15771/2016 at paragraphs 18 and 20 expresses willingness of the District Magistrate to take steps for filling up of the vacant Class IV post within Aurangabad Collectorate after seeking necessary information from other department, as well as seeking roster clearance and that it would abide by any directions issued in this regard.

In my opinion, the statement of the District Magistrate,



Aurangabad present at paragraphs 18 and 20 of the counter affidavit itself leaves no opposition of the relief so prayed by the petitioners except that it does not give a time frame. Obviously once a decision has been taken by the District Magistrate, Aurangabad for filling up of the vacant Class IV post within Aurangabad Collectorate, it has to be initiated and completed within a reasonable time lest there may be applicant(s) who may become ineligible for such consideration by passage of time in case the purported action is delayed excessively.

Having heard learned counsel for the parties and considering innocuous nature of relief prayed in this batch of writ petitions as well as the fact that there is no serious opposition to the prayer by the District Magistrate, Aurangabad, I deem it proper to dispose of this batch of writ petitions with a direction to the District Magistrate, Aurangabad to take steps for filling up of Class IV post within a reasonable time and let a decision to that effect be taken within a period of three months from the date of receipt/ production of a copy of this order.

The writ petitions are disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	NA

