

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.46 of 2015

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Rajeshwar Yadav ,Son of Munni Lal Yadav, Resident of Lachhminia,
Police Station - Bihra, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Department of General Administration, Bihar, Patna.
2. The Collector, Saharsa.
3. The Deputy Collector, (Establishment), Saharsa.
4. The Sub Divisional Officer, Sub Division, Saharsa Sadar, District - Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Respondent/s : Mr. AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 18-01-2017 Heard Sri Shashi Dhar Jha, learned counsel for the
petitioner and learned AC to GA-11.

The petitioner has approached this Court , invoking
its writ jurisdiction under Article-226 of the Constitution of India,
with a prayer to include his name in the panel at proper place
prepared for appointment of Group “Gh” i.e. Class-IV post
contained in Memo No.609(Est.) dated 26.05.2014 issued under
the signature of the Deputy Collector(Est.), Saharsa.

At the very outset, a limited prayer has been made
by learned counsel for the petitioner that since the petitioner’s
name was not included in the said panel, the petitioner
immediately filed a representation before the Dy. Collector



(Establishment) Saharsa. However, no decision on his representation has been taken.

In the writ petition, it has been pleaded that the petitioner was engaged on daily wages basis as Ummidwar Peon in the office of the Sub Divisional Officer, Sadar Saharsa on 27.09.1983 and since thereafter he is continuing. After his appointment, repeatedly on number of occasions panel was prepared and in all earlier panels, the petitioner's name was included, even in the panel prepared in the year 2012 vide Memo No.1572 dated 03.12.2012 issued under the signature of the Collector, Saharsa, the petitioner's name had appeared at Sl. No.5. However, finally in the year 2014, while panel was prepared, to the reasons best known to the authority, the petitioner's name was excluded. In the writ petition, a specific plea has been taken that the persons, whose names find place at lower place in 2012 panel, were included even in 2014, name of dead persons were also included. Those facts have been stated categorically in the present writ petition.

Since the petitioner has made a limited prayer for directing the Respondents to examine his representation, the Court is inclined to accede his prayer. Accordingly, the writ petition, even in absence of counter affidavit, is disposed of granting liberty



to the petitioner to file a detailed representation giving all the facts, which has been enumerated in the present writ petition, before the Collector, Saharsa. If such representation is filed by the petitioner within a period of six weeks from today, the Court expects that the learned Collector, Saharsa i.e. Respondent no.2 may examine the same and pass appropriate order in accordance with law. If after examination of the representation of the petitioner, the Collector finds the claim of the petitioner as genuine, he is required to pass a speaking order accordingly. Even in case of refusal, he is required to pass a reasoned order. In any event, decision on representation of the petitioner must be taken within a period of two months from the date of filing of such representation, which must be communicated to the petitioner within the aforesaid time.

The writ petition stands disposed of with above observation and direction.

(Rakesh Kumar, J)

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