

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9544 of 2015

=====

1. Yogi Mandal S/o Late Bohari Mandal Resident of Village - Mahinam, P.S. - Bahera, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Darbhanga.
2. The District Appointment Committee, Darbhanga.
3. The Civil Surgeon, Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. SUNIL KR. MANDAL SC 3

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-08-2017

Heard both sides.

2. The petitioner filed this writ petition for a direction to the respondent Civil Surgeon, Darbhanga to accept his joining on Class-IV post.

3. The admitted fact is that the petitioner applied in pursuance of the Adv. No. 1/11-12. The appointment committee under the chairmanship of the District Magistrate, Darbhanga considered the case of the petitioner and prepared the panel of candidates. The name of the petitioner figured at serial no. 8 in the backward category and the name of the petitioner and others were recommended to the office of the Civil Surgeon, Darbhanga for



appointment. The petitioner submitted his joining but, the Civil Surgeon, Darbhanga has not accepted the joining of the petitioner only on the ground that there is difference in the date of birth in the School Leaving Certificate and the certificate issued by the school. In the certificate granted by the school the date of birth of the petitioner has wrongly been typed as 13.04.1974 in place of 23.04.1974 but in the school leaving certificate the date of birth of the petitioner is correct which is 23.04.1974 but the Civil Surgeon, Darbhanga did not accept the joining of the petitioner without any reason and referred the matter to the Collector, Darbhanga for decisions and guidelines. In pursuance of the reference, the Deputy Collector vide his letter as contained in Letter No. 2543 dated 18.12.2013 (Annexure-6) requested the Civil Surgeon, Darbhanga to take appropriate decision at his own level but, still the Civil Surgeon, Darbhanga did not take any decision on the joining of the petitioner. Learned counsel for the petitioner further submits that the Civil Surgeon, Darbhanga is not at all justified in sitting over the matter, hence the Civil Surgeon, Darbhanga be directed to accept the joining of the petitioner.

4. Mr. Sunil Kumar Mandal, learned SC 3 submitted that the State has already filed counter affidavit but, learned SC 3 could not be able to show any justifiable reason in not accepting the



joining of the petitioner.

5. Having considered the facts aforesaid I am of the view that Civil Surgeon, Darbhanga without any rhyme or reason did not pass any order on the joining petition of the petitioner although there is a minor discrepancy with regard to date of birth in the School Leaving Certificate and the certificate granted by the school. Although, necessary instruction from the end of the Collector, Darbhanga was also communicated to the Civil Surgeon, Darbhanga through the letter of Deputy Collector, Darbhanga, therefore, I direct the Civil Surgeon, Darbhanga to accept the joining of the petitioner within two weeks from the date of this order. Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2017
Transmission Date	NA

