

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1190 of 2015

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Suresh Prasad Sharma Son of Late Mohan Lal Sharma Resident of Bindwara
(Sharma Tola), P.S. Kasim Bazar, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Munger
2. Deputy Collector, Establishment, Munger, Collectorate, Munger
3. Deputy Collector, Nazarat Munger, Collectorate, Munger
4. The District Employment Officer, Munger, Fort Area, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra

For the Respondent/s : Mr. Dhurjatti Kumar Prasad, GP – 14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 21-02-2017

Heard Sri Suman Kumar Mishra, learned counsel for the
petitioner and Sri Dhurjatti Kumar Prasad, learned GP No. 14.

The petitioner, has approached this Court invoking its writ
jurisdiction under Article 226 of the Constitution of India for the
following reliefs:-

- I. For quashing the panel dated 09.08.2012 issued by District Employment Officer, Munger as without considering the seniority, illegally the panel has been prepared and appointed as such irregularity has been made as 43 persons appointed as Class- IV employee.***
- II. For direction upon respondent to include the name of petitioner and accordingly appoint the petitioner.***
- III. Further any other writ (s), order (s),***



direction (s) may be issued to which the petitioner is entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that an advertisement was published for appointment of Class IV employees vide Advertisement No. 1 of 2000 dated 11.7.2000. He submits that in the panel which was sent by the Employment Exchange there were several irregularities. As per petitioner, panel of 43 persons were prepared and finally they were appointed. A claim has been made that some of the persons who have been appointed were not figured in the panel and as such a prayer has been made to quash the said panel and allow the writ petition as indicated hereinabove. In any event in the writ petition the petitioner has accepted that the provisional panel which was earlier prepared, the petitioner name had figured at serial no. 864.

In this case a counter affidavit has been filed. Sri Dhurjatti Kumar Prasad, learned GP No. 14 by way of referring to the facts disclosed in the counter affidavit submits that earlier in the year 2004 itself a provisional list was prepared containing number of persons. In the said list petitioner's name had figured / placed at serial no. 864. Thereafter , objection was invited in the year 2004 itself. After completion of all formalities a panel of 500 applicants was prepared in which petitioner name had not figured. He submits that as per the



panel prepared in the year 2004 itself about 43 persons were appointed. By way of referring to Annexure -‘A’ to the counter affidavit he submits that even as per the panel, life of the panel was only for one year. There was nothing on record to show that petitioner had ever filed any objection in respect of provisional list however in the writ petition the petitioner has made statement that he has filed objection in the year 2009.

Besides hearing learned counsel for the parties I have perused the materials available on record. It is admitted fact that even though panel was prepared in the year 2004 itself life of panel was only for one year. After lapse of such a long period that too in view of the fact that in initial list name of petitioner had figured at serial no. 864 , there is no reason to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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