

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3889 of 2006**

=====

Ashok Kumar, son of Chulhai Prasad Yadav, resident of village Balthi Maheshpur, Police Station Kursela, District Katihar

.... .... Petitioner

Versus

1. The State of Bihar
2. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Department of Finance, Government of Bihar, Patna.
4. The Secretary, Rural Development Department, Government of Bihar, Patna
5. The Director, Panchayati Raj Department, Government of Bihar, Patna.
6. The Commissioner, Purnia Division, Purnia.
7. The District Magistrate, Katihar
8. The District Panchayat Raj Officer, Katihari

.... .... Respondents

=====

**Appearance :**

For the Petitioner : None

For the Respondents : None

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 13-10-2017**

None appears on behalf of the petitioner despite repeated calls. None is present also on behalf of any of the respondents.

2. The present writ petition has been filed for a direction to the respondent-authorities to appoint him on the vacant and sanctioned post of Panchayat *Sewak* in the district of Katihar in the light of Section 32 of the Bihar Panchayat Raj Act, 1993.

3. By order dated 15.05.2014, this matter was directed to be listed after disposal of CWJC No. 12679 of 2003, which has since been dismissed by order dated 19.09.2014 by a co-ordinate Bench of this Court.

4. The order dated 19.09.2014 refers to the judgment of



the Division Bench dated 11.08.2009 passed in LPA No. 786 of 2006 (*State of Bihar & other Vs. Subhash Chandra Shukla*) wherein it was concluded that “a *Dalpati* can not as a matter of right be considered for appointment as Panchayat Secretary”. It was also noted that no Special Leave Petition has been filed against the judgment of the Division Bench passed in LPA No. 789 of 2006. The facts of the present writ petition are similar to the facts of the aforesaid writ petition, namely, CWJC No. 12679 of 2003 and the present petitioner, who had been4 appointed on the post of *Dalpati*, is also seeking appointment on the post of Panchayat *Sewak* in terms of the Bihar Panchayat Raj Act, 1993.

5. In the above circumstances, the writ petition stands dismissed.

**(Vikash Jain, J)**

B.T/Chandran

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 19.10.2017 |
| Transmission Date | N.A.       |

