

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10743 of 2014

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1. Nirmal Kumar son of Late Srinath Sah resident of village - New Area near Subjee Mandi, P.O. - Dalmianagar, P.S. - Dehri, District - Rohtas
 2. Suresh Singh son of Late Jatan Singh resident of village - Datauli, Post - Hurkha, P.S. - Indrapuri, District - Rohtas.
 3. Shiv Kumar Ram son of Late Sukhlal Ram resident of village - Kamranganj, P.O. - Manikpur, P.S. - Dehri, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. Director, Consolidation, Bihar, Directorate of Consolidation, Patna.
4. Instructor, Directorate of Consolidation, Bihar, Patna.
5. Assistant Director, Consolidation, Rohtas, Sasaram.
6. Consolidation Officer, Dehri, Rohtas, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr Advocate
Mr. Anju Kumari @ Anju Narain, Advocate

For the State : Mr. Nagendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-11-2017

Heard learned senior counsel for the petitioners and the
counsel for the State.

Pursuant to an advertisement for regular appointment of
clerk under the Directorate, Consolidation, Patna issued in the year
2011, the petitioners who claim to have worked in daily wages in
office of 'Chakbandi' have applied against the said post but their
names have not found place in the merit list.

It would be relevant to mention here that priority was



given to the daily wage employees under the selection process who were disengaged from the Chakbandi Office. The same was mentioned in the advertisement. The petitioners wanted to take advantage of the said priority. They submitted their applications by mentioning educational qualifications and experience and enclosed some certificates said to have been issued by the Chakbandi Officer as far back as in the year 1984-1990. In support of the same they have also submitted their affidavits. On being not selected they have filed the instant writ petition.

The respondents have taken a stand in the counter affidavit that the petitioners while making their applications had not submitted the office orders of their engagement on daily wages and that their names did not figure in the list of daily wages received in the Directorate from the field offices. Photocopy of payment vouchers produced by the petitioners were also found without dates, numbers and sanction orders and were thus considered unreliable/irrelevant. The same has not been denied by the petitioners as they have not filed any rejoinder.

From perusal of the same it is evident that since the documents produced by the petitioners were not relevant and their names did not figured in the list of daily wage employees of the concerned District Field Offices of Directorate, Consolidation, the



petitioners claim has been rejected.

The counsel for the respondents-State submits that they did not fulfill the requisite qualification and could not substantiate their claim by way of reliable documents. The same has also been explained in paragraph nos. 5,6,7 & 8 of the counter affidavit.

From perusal of the Annexure 4 series, it appears that the petitioners have only submitted there affidavits in support of their claim annexing therewith certificates said to have issued by the Chakbandi Officer. The same has been found unreliable by the respondent-State while considering their claim and cannot be made the basis of issuing any direction in their favour.

In view of the aforesaid, this Court finds no scope for interference in the matter.

The writ petition is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	8/7/2017
Transmission Date	

