

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

**Civil Writ Jurisdiction Case No.6716 of 2008**

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1. Dawarika Ram, Son of Sri Zamuna Ram, Resident of Village Rasulpure, P.S. Sasaram, District-Rohtas.
  2. Chhattu Ram, Son of Sri Motilal Ram, Resident of Village Rasulpure, P.S. Sasaram, Dist. Rohtas.
  3. Avdhes Kumar, son of Sri Harihar Ram, Resident of Village Takiya, P.S. Sasaram, Dist. Rohtas.
  4. Sanjay Paswan, Son of Sri Rampati Paswan, Resident of Village Bhatti, P.S. Mohaniya, Dist. Bhabhua (Kaimur).

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Rohtas, Sasaram.
3. The Additional Collector, In-Charge, Nazarat, Rohtas.
4. The Deputy Collector, In-charge Nazarat, Rohtas.
5. The Sub-Divisional Officer, Sasaram.
6. The Deputy Collector, Sub-Division, Nazarat, Sasaram.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Respondent/s : Mr. Arvind Ujjwal, (SC11)

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 30-11-2017**

Heard learned counsel for the parties.

In the present case, a relief has been sought for quashing the decision of the Selection Committee dated 7.12.1999 by which 163 persons have been selected on Class-IV post.

The petitioners have claimed that they have been working in Collectorate of Rohtas since long but they have been deprived of regularization, for that, the petitioners filed writ application, C.W.J.C. No. 8455 of 1994, direction was given to file an application for appointment and the respondents will consider the case for



appointment, if they are otherwise found eligible and qualified. After that, eighteen persons have also filed writ application, C.W.J.C. No. 869 of 2000 which was also disposed of with a direction either to create vacancy or terminate those who are junior persons having been appointed. As has been claimed that the petitioners were in the panel of Sub-Divisional Collectorate in the district of Rohtas for the period 1988 to 1999 and the name of the petitioners were appearing as has been claimed that 200 regular vacancies are available and applications were invited for appointment and the petitioners have also applied for the same.

During pendency of the writ application, C.W.J.C. No. 8455 of 1994, the Subordinate Officer was directed to modify the list, separate those who have been appointed before 1.8.1985 and, accordingly, the name of those persons including names of the petitioners were sent to the Collector, Rohtas, whereafter, the respondents started process of regular appointment of Peons and prepare the panel of 200 eligible persons in the following manner:-

*“17. That it is relevant to mention here that after scrutiny a revised panel has been prepared by the Respondent concerned in the year 1998 of such candidates, who were eligible for regular appointment. The very panel consists of the names of 228 persons, the details of such panel are as follows:-*

*(a) Serial Nos. 1 to 171 consists of those persons who are attached with the Collectorate, Rohtas.*



*(b) The Serial Nos. 172 to 217 consists of those persons, who are attached with Sasaram Divisional Office.*

*(c) The Serial Nos. 218 to 223 consists of those persons, who are attached with Bikramgank Sub-division Officer.*

*(d) The Serial Nos. 224 to 228 consists of those persons, who are attached with Dehri Sub-divisional Office.”*

The names of the petitioners appear at serial mentioned in paragraph no.18 of the writ application which reads as follows:-

*“18. That the petitioners who belong to Sasaram Sub-division, their names are appearing in the aforesaid panel. The details of the petitioners appearing in the panel are as follows:-*

| <u>Name of Petitioners</u> | <u>Date of appointment.</u> | <u>Sl. Nos.</u> |
|----------------------------|-----------------------------|-----------------|
| <i>Dwarika Ram</i>         | <i>06.12.1990</i>           | <i>206</i>      |
| <i>Chhattu Ram</i>         | <i>06.12.1990</i>           | <i>207</i>      |
| <i>Avdhes Kumar</i>        | <i>12.1.1991</i>            | <i>209</i>      |
| <i>Sanjay Paswan</i>       | <i>21.2.1991</i>            | <i>212</i>      |

*Thus it is relevant to mention here that the aforesaid serial nos. do not have any concern with the dates of appointments. The aforesaid panel has not been prepared on the basis of seniority.”*

It has been claimed that the appointment have not been made properly as having been said that the juniors to the petitioners have been taken in service and the petitioners have been left out illegally.

In the writ application, those who have been selected having been not made party, in that view of the matter, the present



writ application suffers from vice of non-joinder of the necessary party and, inasmuch as, the matter is of the year 2008, now the Government has framed new Rule namely Bihar Group-D Recruitment and Service Condition Rules, 2009, if vacancies are available, the Collector will proceed selection in terms of the new 2009 Rules. If the petitioners apply against the advertisement and fulfill all the requisite qualification, their case will also be considered in accordance with law.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

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