

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11809 of 2016

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Md. Shabbir Ansari S/o Late Md. Mustaquim resident of Mohalla - Sarai
Sattar Khan, P.O. + P.S. - Laheria Sarai, District - Darbhanga , Pin - 846001.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Mission Director, Bihar Administrative Mission Society (General Administration Department), Patna.
4. The Divisional Commissioner, Darbhanga Division, Laheriasarai.
5. The District Magistrate, Darbhanga.
6. The Deputy Collector (Establishment), Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra, Adv.

For the Respondent/s : Mr. S.K.Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 11-09-2017

Heard the parties

The grievance of the petitioner stands noted in the order of this Court passed on 29.8.2017 and primarily is that while two persons, whose name appeared amongst the wait listed candidates, were appointed subsequently but the candidature of the petitioner, whose name appeared at serial no.12 of the merit list of backward candidates, was ignored.

A counter affidavit was filed on behalf of the District Agriculture Officer not giving a correct answer to the issue raised, rather a misleading statement was made by the District Agriculture



Officer and this Court while noting as such, directed the District Magistrate as well as Divisional Commissioner to file their affidavits, which has since been filed.

Mr. S.K.Ranjan, learned AC to GP-17, in reference thereto informs that although unintended mistake occurred in the affidavit of the District Agriculture Officer but the factual position is that the two candidates, namely, Jitendra Mohan and Nishant Kumar, whose name appeared at serial nos. 22 and 23 of the wait list, belonged to the general category. Since two candidates, namely, Amardip Kumar and Raushan Kumar, both coming under the general category, did not choose to join that these two were appointed against the vacancies that arose by their non-joining. It is mentioned that although the name of the petitioner does appear at serial no.12 of the merit list of backward category candidate but since no vacancy arose in that category that he was not offered appointment. It is specific stand of the respondents that none below the petitioner has been appointed amongst the backward category.

In view of the explanation to the grievance so raised by the petitioner, present in the affidavit of the District Magistrate and the Divisional Commissioner filed in the proceedings, no cause for indulgence is made out to interfere with the action complained of.



The writ petition is disposed of.

Surendra/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2017
Transmission Date	NA

