

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15057 of 2006

1. Bipin Kumar, son of Sri Ram Baran Ram, resident of Village Sansar Pokhar, P.S. Lakhisarai, District Lakhisarai
2. Madan Kumar Yadav, son of late Deo Sharan Prasad, resident of Village Amaiya, P.S. Asarganj, District Munger
3. Shivdani Yadav, son of Sri Bhola Yadav, resident of Village Chandranpura, P.S. Saryugarha, District Lakhisarai
4. Koleshwar Mahto, son of late Sado Mahto, resident of Village Samas Buzurg, P.S. Barbigaha, District Saikhpura
5. Ranjit Kumar Gupta, son of late Satnarayan Prasad Gupta, resident of Village Pachna Road, P.S. Lakhisarai, District Lakhisarai
6. Shiv Nandan Prasad Sinha, son of late Parmeshwar Prasad Sinha, resident of Village Dhanouri, P.S. Suryagarha, District Lakhisarai
7. Subodh kumar Sinha, son of late Parmeshwar Prasad Sinha, resident of Village Dhanouri, P.S. Suryagarha, District Lakhisarai
8. Sanjay Singh, son of Sri Ramotar Singh, resident of Village Dhiradham Juas, P.S. Barhaiya, District Lakhisarai
9. Krishnandan Singh, son of late Ram Swarup Singh, resident of Village Dhiradar Jws, P.S. Barhaiya, District Lakhisarai
10. Ravindra Singh, son of late Nunu Lal Singh, resident of Village Dhiradar Jwas, P.S. Barhaiya, District Lakhisarai
11. Sajan Kumar Yadav, son of late Deo Saran Prasad Yadav, resident of Village Amaiya, P.S. Asarganj, District Munger
12. Ramashraya Singh, son of late Medani Singh, resident of Village Ram Singarpur, P.S. Suryagarha, District Lakhisarai
13. Bhagwan Das, son of Sri Dhuro Das, resident of Village Lakhisarai English, P.S. lakhisarai, District Lakhisarai
14. Arbind Prasad Singh, son of Sri Chando Singh, resident of Village Shringarpur, P.S. Suryagarha, District Lakhisarai
15. Shiv Dani kumar Das, son of Sri Palak Dhari Das, resident of Village Garhi Bishanpur, P.S. Lakhisarai, District Lakhisarai
16. Ram Chandra Singh, son of Sri Kapildeo Singh, resident of Village Sringarpur, P.S. Suryagarha, District Lakhisarai
17. Manikant Singh, son of late Sudama Singh, resident of Village Dhiradarn, P.S. Barhaiya, District Lakhisarai
18. Karoo Thakur, son of late Kishun Thakur, resident of Village Khairi Tola, Sikandara Raod, P.S. Lakhisarai, District Lakhisarai
19. Dinesh Pandey, son of late Sahdeo Pandey, resident of Village Balgudar, P.S. Lakhisarai, District Lakhisarai
20. Upendra Prasad Singh, son of late Nikhedi Singh, resident of Village- Kaithmu, P.S. Saikhpura, District Shaikhpura
21. Prashidha Paswan, son of Sri Mahadeo Paswan, resident of Village Mokja, P.S. Lakhisarai
22. Ram Pravesh Paswan, son of late Jagdish Paswan, resident of Village Dayal Tola Salonachala, Balupar, P.S. Lakhisarai, District Lakhisarai
23. Rina Kumari, wife of Ram Shankar Singh, resident of Village Losgani, P.S. Piri Bazar, District Lakhisarai
24. Jay Kant Singh, son of late Brij Nandan Singh, resident of Village Khakhri, P.S. Kashichak, District Nawada



25. Sagar Thakur, son of late Kameshwar Thakur, resident of Village Indupur, P.S. Barhaiya, District Lakhisarai
26. Shia Ram Chaurashia, son of late Kanhai Chaurashia, resident of Village Jhulona, P.S. Lakhisarai, District Lakhisarai
27. Biendra Kumar, son of late Brij Nandan Singh, resident of Village Khakhri, P.S. Kashichak, District Nawada
28. Sarwan Kumar, son of late Tirpit Narayan Sah, resident of Village Batora, P.S. Korma, District Shaikhpura
29. Ramanuj Singh, son of late Girija Singh, resident of Village Lakhapur, P.S. Jamui, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Reforms and Revenue Department, Government of Bihar, Old Secretariat, Patna
2. The District Magistrate-cum-Collector, Lakhisarai
3. The Deputy Collector, Nazarat Lakhisarai at Lakhisarai
4. The District Welfare Officer, Lakhisarai at Lakhisarai.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 16007 of 2006

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1. Shambhu Sharan Malakar, son of Sri Narayan Malakar, resident of Village Banubigha, PS Chanan Mananpur District Lakhisarai
2. Subodh Kumar Vidyarthi, son of Shri Radha Raman Prasad, resident of Village Lolouth, PS Kropandey, District Sheikhpura
3. Abhay Kumar, son of late Ram Mohan Prasad, resident of Village Dharmraj Chak, PS Lakhisarai, District Lakhisarai
4. Upendra Kumar, son of Gandhari Yadav, resident of Village Belouri, PS and District Lakhisarai
5. Mukeshwar Prasad Yadav, son of Sri Rameshwar Prasad Yadav, resident of Village Bilouri, PS and District Lakhisarai
6. Satyajit Kumar, son of Shri Sarju Ram, resident of Village Kuli Basti, PS and District Lakhisarai
7. Jagdish Yadav, son of Shri Nand Dhari Yadav, resident of Village Pachaina PS and District Lakhisarai
8. Ram Mohan Kumar, son of Kako Sao, resident of Village Purhak, P.S. Shahpur Kamar, District Begusarai
9. Rajendra Das, son of late Sohan Das, resident of Village Manpur, PS Halsi, District Lakhisarai
10. Durgendra Kumar, son of Sri Harendra Kumar, resident of Village Basudeopur, PS and District Munger
11. Dulo Devi, wife of late Tanik Paswan, resident of Village Suleman Chak, PS and District Lakhisarai
12. Pramila Devi, wife of late Sandeep Pandit, resident of Village Birbasti, Shailesh Asthan, PS & District Lakhisarai
13. Chandra Bhushan Singh, son of Sri Ram Padarath Singh, resident of Village Nadiama, PS & District Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Reforms & Revenue



- Department, Government of Bihar, Old Secretariat, Patna
2. The District Magistrate-cum-Collector, Lakhisarai
3. The Deputy Collector, Nazarat Lakhisarai at Lakhisarai
4. The District Welfare Officer, Lakhisarai at Lakhisarai

.... Respondent/s

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Appearance :

(In CWJC No.15057 of 2006)

For the Petitioner/s : Mr. Praveen Kumar
Mr. Jyoti Ranjan Jha
For the State : Mr. Ajay Bihari Sinha, GA 8
Mr. Upendra Kumar Singh, AC to GA 8

(In CWJC No.16007 of 2006)

For the Petitioner/s : Mr. Praveen kumar,
Mr. Jyoti Ranjan Jha
For the State : Mr. Arvind Kumar, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-11-2017

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

Since in both the cases common issue have been raised ,
they have been heard together and are being disposed of by this
common order.

The matter relates to appointment of Class IV employees
in the Collectorate and attached offices of Lakhisarai district.

An advertisement was published in the year 2002,
ultimately exercise of selection was completed in 2007, panel
was prepared, altogether 28 persons from different categories
have been appointed/regularized in Class IV employees. Persons
secured 44% marks have been taken into service. The petitioners
are also from different categories. They have made a complaint



that the persons who have been taken into service are not from the panel but they are all outsider, acted illegality in appointing and regularizing those who have not even applied for the post.

Learned counsel for the petitioner submits that still 80 vacancies are available as per information given under Right to Information Act.

Learned counsel for the State submits that whatever vacancies are available has been filled up and no further vacancy is available.

This is disputed question of fact cannot be decided in this proceeding.

In such view of the matter, the Commissioner, Munger is directed to examine the matter with respect to the case of the petitioners. The Commissioner is also directed to call for the records from the Collectorate, Lakhisarai and enquire into the matter about status of persons who have been regularized/appointed if found outsider, take remedial measure. If vacancies are available for appointment, in such circumstances' the left over vacancies of 2003 advertisement will be taken into consideration for the purposes of regularization/appointment. While disposing of the matter the Commissioner will call the District Administration as well as give hearing to petitioners.



For convenience, petitioners are directed to file a detailed representation before the Commissioner, Munger who will examine the case of the petitioners and pass a reasoned order within a period of four months from the date of filing the representation.

With the aforesaid observation and direction these writ petitions are disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.12.2017
Transmission Date	NA

