

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.759 of 2015

=====

Manoj Kumar Singh, Son of Sri Bishundeo Singh, resident of Mohalla-
Lohia Nagar, P.S.- Town, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General
Administration Department, Bihar, Patna.
2. The District Collector, Begusarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Singh

For the Respondent/s : Mr. Anirban Kundu, SC-24

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 22-02-2017 Heard Sri Ram Sumiran Singh, learned counsel for

the petitioner and Sri Anirban Kundu, learned Standing Counsel
no.24.

The sole petitioner has approached this Court,
invoking its writ jurisdiction under Article-226 of the constitution
of India, for the following relief:

“For issuance of writ of mandamus to
select and to appoint the petitioner from all 209
persons empanelled in Panel list of IVth Grade
employee of 2008-09 prepared by the district level
Selection Committee (in view of the undertaking
before this Hon’ble Court which is mention in the
order dt. 28.1.2011 passed in M.J.C. No.3565 of
2009(Contained in Annexure-3) published on
25.11.11 including the petitioner who was working at



the post of IVth Grade in Forest department and quashing the notification vide Memo No.1753 East. dated 6.12.14 (Contained in Annexure-9) also published in Daily Hindi Jagaran on 14.12.14 in which it is stated that the process of the appointment can not be filled from the aforesaid panel early to the order dt.01.12.11 passed in C.W.J.C.No.12109/2010, Umesh Jha & others Versus The State of Bihar & others and the order dated 04.03.14 passed in L.P.A. No.427 of 2013, The State of Bihar Versus Umesh Jha & Others disobeying the various orders passed in several cases and be directed to appoint from the panel of 209 published on 25.11.11 in accordance with orders of this Hon'ble Court.”

It has been claimed that in earlier panel i.e. of the year 2008-09 the petitioner's name is at serial no.55. However, his case has not been considered.

In this case, a detailed counter affidavit has been filed on behalf of Respondent no.2 and it has been indicated that though earlier panel was prepared, there were two orders passed by Co-ordinate Bench. In subsequent order i.e. order dated 01.12.2011 passed in C.W.J.C.No.12109 of 2010, a Bench of this Court had directed for publication of fresh advertisement and then proceed therewith. It was further indicated that any appointment made from the earlier panel



shall stand vitiated. Since on one point, there were two different orders, the State preferred an appeal vide L.P.A. No. 427 of 2013 and a Division Bench of this Court vide its order dated 04.03.2014 dismissed the appeal *in limine*. Besides dismissing the appeal, the Division Bench directed that **“all vacancies in Class IV cadre in the district of Begusarai will be filled in by holding the recruitment process afresh. The persons placed in the past panel/s will not have a right to priority or a preferential right on account of their placement in such panel/s”**The said order has been brought on record vide Annexure-8 to the present writ petition.

In view of facts that the dispute was already set at rest by the Division Bench, there is no point to consider the case of the petitioner in the present writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--

