

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.349 of 2017

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1. Rajesh Kumar, son of Budhan Pandit, resident of Village+P.O.- Rupauli, P.S.- Saraiya, District- Muzaffarpur.
 2. Rishidev Kumar, son of Shankar Prasad Singh, resident of Village+P.O.- Sakrisaraiya, P.S.- Kurhani, District- Muzaffarpur.
 3. Pankaj Kumar Singh, son of Kamta Prasad Singh, resident of Village- Khabra, P.O.- Khabra, P.S.- Khabra, District- Muzaffarpur.
 4. Priya Ranjan @ Priya Ranjan Kumar Singh, son of Vinay Kumar Singh, resident of Lasakripur, P.O.- Kalwari, P.S.- Kanti, District- Muzaffarpur.
 5. Praveen Kumar, son of Lalbabu Sah, resident of Village- Gangapur, P.O.- Narsinghpur, Mushari, District- Muzaffarpur.
 6. Sudhir Kumar, son of Ram Shringar Pandey, resident of Village- Sadatpur (Padarpur), P.O.- Kolhuwa, Paigambarpur, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Chairman, Bihar Prashanik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
3. The Mission Director, Bihar Prashanik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
4. The Additional Mission Director, Bihar Prashanik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
5. The District Magistrate cum Chairman, Selection Committee Muzaffarpur.
6. The Additional Collector, District Establishment Department, Muzaffarpur, District- Muzaffarpur.
7. The Deputy Collector, District Establishment Department, Muzaffarpur, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr.Adv. Mr. Sumeet Kumar Singh, Adv. Mr. Abhiprav Singh, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad- SC8 Mr. Anil Kumar, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-03-2017

Heard Mr. P.K.Shahi, learned Senior counsel appearing for the petitioners and Mr. Sheo Shankar Prasad, SC-8, for the State.

The writ petition has been filed praying for issuance of a writ in the nature of Certiorari for quashing the letter dated



31.10.2016 issued by the District Magistrate, Muzaffarpur, whereby the petitioners have been relieved from their post of Executive Assistant, a copy of which is impugned at Annexure 8 to the writ petition, inter alia, on grounds that there are no Senior Deputy Collectors available in the District with whom they could be attached.

When this matter was taken up on 15.2.2017 it was argued by Mr. Shahi, learned Senior counsel for the petitioners, that of the 11 appointed five Executive Assistants have been retained simply on grounds that as many post of Senior Deputy Collectors are occupied by the personnel and the only reason for disengagement of these petitioners is that remaining six post of Senior Deputy Collectors lies vacant. According to Mr. Shahi, there were other posts available within the district on which these petitioners could have been engaged as done in other districts and such is also the recommendation of the District Magistrate, Muzaffarpur but in view of advisory so issued, that these persons have been disengaged.

A counter affidavit has been filed on behalf of the District Magistrate, Muzaffarpur in which he has reiterated his stand as reflecting from the order impugned and submitted that since there are no Senior Deputy Collectors available presently, any engagement against the other post, would be contrary to the guidelines.

It is the argument of Mr. Shahi that while the Executive Assistants appointed in the other districts have not been disengaged



rather despite similar position existing, the concerned District Magistrate of other district(s) have accommodated them on other post so available in the district, the petitioners have been discriminated. Learned counsel seeks permission for the petitioners to represent their cause before the Principal Secretary, General Administration Department with supporting documents reflecting the adjustment of the Executive Assistants on other vacant posts available, in other districts.

Having heard learned counsel for the parties and appreciating the submissions advanced by Mr. Shahi that the issue can be resolved by the Principal Secretary, General Administration Department, as prayed, the writ petition is disposed of affording liberty to the petitioners to raise their grievance before the Principal Secretary, General Administration Department (respondent no.1) and who shall appropriately consider the grievance of the petitioners and dispose of the same in accordance with law preferably within a period of eight weeks from the date of filing of such representation.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2017
Transmission Date	NA

