

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15221 of 2008

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Pramod Kumar Verma, son of Sri Rajendra Prasad, resident of village – Mai Manner, P.O. Sonmai, P.S. Dhanarua, District Patna , presently resides at the House of Sri Ramdeo Prasad, Post Master, Mohalla – Sant Nagar, Parwalpur, P.O. and P.S. Parwalpur, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda at Bihar Sharif
3. The Nazarat Deputy Collector, Establishment , Nalanda at Bihar Sharif

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Respondent/s : AC to P.A.A.G. No. 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 28-02-2017

Heard Sri Anil Kumar Sinha, learned counsel for the petitioner and learned AC to Principal Additional Advocate General No. 1.

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



- A) *To quash the order passed by the District Magistrate, Nalanda, Bihar Sharif contained in memo no. 327 dated 1.3.2008 whereby the Selection process for appointment on Class IVth post which started pursuant to an advertisement advertised on 17.11.2003 and its corrigendum dated 3.12.2003 , in view of the order passed in C.W.J.C. No. 9978 of 2002 (Pramod Kumar Verma V/S The State of Bihar and others) by this Hon'ble Court on 26.11.2002, has been illegally and arbitrary abandon on the ground as stated in para (ka) and (kha) of the said order dated 1.3.2008 which is contrary and highly contemptuous of the order passed by this Hon'ble Court in C.W.J.C. No. 222 of 1995 disposed of on 22.8.1995 and C.W.J.C. No. 9978 of 2002 disposed of on 26.11.2002 respectively.***
- B) *To direct the respondents to complete the Selection process for appointment on Class IV post which started pursuant to an advertisement advertised in the year 2003 and further, commanding the respondents to consider and appoint the petitioner on Class IV post in view of the order passed in C.W.JC. 9978 of 2002 by this Hon'ble Court on 26.11.2002."***

Learned counsel for the petitioner submits that earlier also petitioner had filed a writ petition vide CWJC No. 9978 of 2002 which was disposed of on 26.11.2002. A plea has been taken that subsequently an order was passed contained in Memo No. 327 dated 01.03.2008 by the District Magistrate, Nalanda which has been



brought on record as Annexure –‘19’ to the writ petition. In sum and substance now petitioner is assailing Annexure –‘19’. By the said Annexure the District Magistrate in view of Government decision contained in letter no. 3577 dated 25.04.1997 had considered the panel which was prepared in the year 2004 as expired and thereafter decision was taken for publishing advertisement for the purposes of preparing panel of *ummidwar* peon. The earlier panel was accordingly abandoned. Learned counsel for the petitioner tried to persuade the court that this court in earlier writ petition had directed for considering the case of the petitioner, whereas on going through the order dated 26.11.2002 it is evident that even this court had directed for considering the preparation of fresh panel taking into consideration the merit of the candidates. Meaning thereby that this court had also approved the decision for taking steps for preparation of fresh panel and as such , I do not find any error in Annexure – ‘19’ to the writ petition. Learned counsel for the petitioner further submits that during pendency of this petition further development has taken place. In the year 2011 again advertisement was published which was challenged by the petitioner by filing a separate writ petition. In the interlocutory application of- course no order was passed by this court, however on perusal of the same it is evident that petitioner had accepted that the said writ petition was still pending



while filing interlocutory application. At the time of argument learned counsel for the petitioner accepts that the said writ petition stood dismissed due to non -prosecution. In view of the facts and circumstances the court is of the opinion that there is no need to pass any favorable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-03-2017
Transmission Date	NA

