

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20254 of 2016

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1. Naresh Mehta, son of Lat Rma Mahato, resident of Village- Chilkahi Bigha, P.O.+P.S.- Amba, Panchayat- Amba, District- Aurangabad.
 2. Pradip Singh, son of Late Bandhu Singh, resident of Village- Narsan, P.O.- Etawan, P.S.- Haspura, Panchayat- Dumara, District- Aurangabad.
 3. Ajay Kumar Singh, son of Ram Lakhan Singh, resident of Village- Arakhpur, P.O.- Jaygobind Nagar, P.S.- Jamhor, District- Aurangabad.
 4. Prem Kumar Singh, son of Ram Lakhan Singh, resident of Village- Ahiyapur, P.O.- Khutahan, P.S.- Haspura, District- Aurangabad.
 5. Ashok Kumar, son of Jagdish Prasad, resident of Village- Shivganj, P.O.- Teldiha, P.S.- Madanpur, Panchayat- Teldiha, District- Aurangabad.
 6. Gopal Singh, son of Harinarayan Singh, resident of Village- Dashrath Bigha, P.O.+Panchayat- Kerap, P.S.- Rafiganj, District- Aurangabad.
 7. Krishan Kumar Singh, son of Sri Chandradeo Singh, resident of Village- Dihuri, P.O.- Monjhar, P.S.- Haspuara, Panchayat- Mahuad, District- Aurangabad.
 8. Ram Janam Yadav, son of Ram Dhyam Yadav, resident of Village- Raham Bigha, P.O.+Panchayat- Parta, P.S.- Amba, District- Aurangabad.
 9. Lalin Prasad, son of Late Budhadev Prasad, resident of Village- Nabbichak, P.O.+P.S.- Shahajanhapur, District- Patna.
 10. Ravi Ranjan Kumar, son of Bishnudev Sharma, resident of Village+P.O.- Pitbans, P.S.- Naubatpur, District- Patna.
 11. Krishan Murari Sharma, son of Late Ram Lakhan Sharma, resident of Village- Matodha, P.O.+Panchayat- Nadoul, District- Patna.
 12. Md. Ekaramul Haque, son of Late Abdul Aziz, resident of Village- Kanta (Bomabasti), P.O.- Tarabadi Chowk, Panchayat- Tarabadi, P.S.- Gandhaudaga, District- Kishanganj.
 13. Shankar Prasad, son of Late Ram Nandan Prasad, resident of Village+P.O.+Panchayat- Sonbai, P.S.- Dhanrua, District- Patna.
 14. Rabendra Kapoor, son of Late Ramji Singh, resident of Village+P.O.- Mahbalipur, P.S.- Paliganj, District- Patna.
 15. Rajnandan Singh, son of Ramashish Singh, resident of Village- Darbeshpur, P.O.- Byapur, Panchayat- Darbeshpur Byapur, P.S.- Maner, District- Patna.
 16. Brij Bhushan Sinha, son of Ramji Prasad, resident of Village- Sundar Bigha, P.O.- Ajanoura, P.S.- Nursarai, District- Nalanda.
 17. Rajesh Kumar, son of Late Mahavir Singh, resident of Village- Bandh Rasalpur, P.O.- Islampur, Panchayat- Mohan Chak, P.S.- Islampur, District- Nalanda.
 18. Binod Prasad, son of Sidheshwar Prasad, resident of Village+P.O.+Panchayat- Ranipur, P.S.- Islampur, District- Nalanda.
 19. Dinesh Prasad, son of Shree Ramhari Prasad, resident of Village+Panchayat- Khajeyetbarpur Sarai, PO- Sohsarai, P.S.- Rahui, District- Nalanda.
 20. Munni Lal, son of Ram Lakhan Mahto, resident of Village- Debariya, P.O.- Madhar, Panchayat- Bara, P.S.- Ben, District- Nalanda.
 21. Brind Kumar, son of Late Deoki Prasad, resident of Village- Gereria Bigha, PO+Panchayat- Koshiawan, P.S.- Ekangar Sarai, District- Nalanda.
 22. Niranjana Kumar, son of Shree Naresh Singh, resident of Village+P.O.- Jagatpur, Panchayat- Gangaura, P.S.- Chandi, District- Nalanda.
 23. Ramadhar Prasad, son of Badhrinath Singh, resident of Village+PO- Sakarauda, Panchayat- Paparnousa, P.S.- Nalanda, District- Nalanda.
 24. Dinesh Kumar Singh, son of Late Ram Pravesh Singh, resident of Village- Kanak Bigha, P.O.- Badi Chhariyari Panchayat- Chhariyari Bujurg, P.S.- Tharthari, District- Nalanda.



25. Mithilesh Kumar, son of Nagina Prasad, resident of Village+PO+Panchayat-Diyawan, P.S.- Karai Parsurai, District- Nalanda.
26. Kaushlendra Prasad, son of Shree Ganauri Prasad, resident of Village-Chainpur, PO+Panchayat- Jaitpur, P.S.- Chandi, District- Nalanda.
27. Ram Naresh Prasad, son of Late Ram Lakhan Prasad, resident of Village-Tribhuban Bigha, PO- Basdih, Panchayat- Narayanpur, PS- Tharthari, District-Nalanda.
28. Jay Sharan, son of Late Saryug Sharan, resident of Village- Dariyapur, PO+Panchayat- Kachhiyan, PS- Nagar Nausha, District- Nalanda.
29. Sunil Prasad, son of Late Mohan Lal, resident of Village- Rasalpur, PO- Jagai, Panchayat- Gomahar, PS- Ekangar Sarai, District- Nalanda.
30. Shailesh Kumar, son of Late Baldeo Prasad, resident of Village- Mojafara, PO- Bardih, Panchayat- Mojafara, PS- Islampur, District- Nalanda.
31. Kishore Thakur, son of Late Nirasan Thakur, resident of Village- Ghodhaghat, PO+Panchayat- Ramai, PS- Forbesganj, District- Araria.
32. Manoj Kumar Thakur, son of Janardan Thakur, resident of Village- Fulabaria, PO- Kumdarar, PS- Fenhara, District- East Champaran.
33. Shreedhar Prasad, son of Late Lutan Mandal, resident of Village- Lailab, PO- Mamalja, PS- Sabour, District- Bhagalpur.
34. Bimal Kumar Mandal, son of Late Thakur Prasad Mandal, resident of Village-Masado, PO- Mamalakha, PS- Sabour, District- Bhagalpur.
35. Sushil Kumar Ojha, son of Tarkeshwar Aojha, resident of Village- Goradih, PO- Sarkanda, Panchayat- Tiyalpur, PS- Pirpainti, District- Bhagalpur.
36. Madan Prasad, son of Late Moral Lal, resident of Village- Sarari, PO- Daulatpur, Panchayat- Daulatpur, PS- Jamui, District- Jamui.
37. Shambhu Prasad Sao, son of Late Lutan Prasad Sao, resident of Village- Pakari, PO- Bhouda, Panchayat- Raipura, PS- Khaira, District- Jamui.
38. Narendra Singh, son of Late Ram Sharan Singh, resident of Village- Mandra, PO- Nariyana, Panchayat- Bela, PS- Khaira, District- Jamui.
39. Rajendra Mandal, son of Shree Baleshwar Mandal, resident of Village-Manjhaladih, PO- Chhapardih, Panchayat- Belamwa, P.S.- Sono, District- Jamui.
40. Tunni Kumar, son of Birendra Prasad, resident of Village- Gudar, PO- Sanda, Panchayat- Mobarakur, PS- Islampur, District- Nalanda.
41. Narendra Singh, son of Shudarshan Singh, resident of Village- Rasulpur, PO- Jamhor, Panchayat- Tengra, PS- Barun, District- Aurangabad.
42. Arun Kumar Jha, son of Indra Shekhar Jha, resident of Village+PO- Basouna, Panchayat- Siradai Patti, P.S.- Bangaon, District- Saharsa.
43. Ganesh Kumar Gunjan, son of Upendra Prasad Yadav, resident of Village-Tharhi, PO- Pastpar, Panchayat- Pastpar, PS- Sour Bazar, District- Saharsa.
44. Rakesh Ranjan Kumar, son of Keshav Prasad Mehta, resident of Village+PO- Pama, Panchayat- Pama, PS- Sour Bazar, District- Saharsa.
45. Onkar Nath Singh, son of Jagarnath Prasad Singh, resident of Village+PO- Mangwar, PS- Basnahi, Panchayat- Mangwar, District- Saharsa.
46. Umesh Prasad Sah, son of Sukadeo Sah, resident of Village- Behata Manpur, PO- Dehad, PS- Sonbarsa, Panchayat- Deohad, District- Saharsa.
47. Kaushal Kishore Sinha, son of Shivanandan Sinha, resident of Village- Jogia, PO+PS- Chandi, Panchayat- Chandi, District- Nalanda.
48. Kamlesh Kumar, son of Shivanandan Prasad, resident of Village- Anantpur, PO- Madhopur, PS- Chandi, Panchayat- Rukhai, District- Nalanda.
49. Janardan Prasad Sah, son of Ambika Prasad Sah, resident of Village-Goughatta, PO- Guddu Chak, Panchayat- Mohanpur Goughatta, PS- Budhu Chak, District- Bhagalpur.
50. Md. Jamil, son of Md. Maqbul, resident of Village+PO- Pirpainti, PS- Pirpainti, District- Bhagalpur.



51. Srikant Yadav, son of Shaligram Prasad Yadav, resident of Village- Budhu Chak, PO- Budhu Chak, Panchayat- Badinasi, PS- Amadanda, District- Bhagalpur.
52. Chandrahans Pandey, son of Mohabali Pandey, resident of Village- Simanpur, PO- Dighi, Panchayat- Raj Gaon Araj, PS- Pirpanti, District- Bhagalpur.
53. Krishan Kumar Sah, son of Doman Sah, resident of Village+PO+Panchayat- Maheshrampur, PS- Pirpanti, District- Bhagalpur.
54. Radhe Shyam Singh, son of Yamuna Singh, resident of Village- Jhakhari, PO+Panchayat- Balia, PS- Amba, District- Aurangabad.
55. Jay Kumar Singh, son of Pundev Singh, resident of Village- Narayanpur, PO- Nasaratpur, Panchayat- Narayanpur, PS- Sandesh, District- Bhojpur.
56. Ramesh Pandey, son of Jayram Pandey, resident of Village+PO+Panchayat- Sikaroul, PS- Sikarahatta, District- Bhojpur.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director, Panchayati Raj, Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
6. The District Magistrate, Aurangabad.
7. The District Magistrate, Nalanda.
8. The District Magistrate, Bhojpur at Arrah.

.... Respondents

Appearance :

For the Petitioner/s : Dr. K.N.Singh, Sr. Adv.
Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-11-2017

Heard Dr. K.N.Singh, learned Senior Counsel appearing for the petitioners and Mr. Prabhat Ranjan, learned AC to GP-6, for the State.

The petitioners herein claim to be Dalpati appointed prior to 23.8.1993 i.e. when the since repealed, Bihar Gram Panchayat Raj Act, 1993 came into force. They have filed this writ petition seeking a direction to the respondents to consider their claim for appointment against the post of Panchayat Sevak/ Panchayat Secretary and for which they rely upon the advisory present at Annexures 5 and 4



respectively to the writ petition, which are dated 28.3.2008 and 11.6.2008 issued under the signature of the Principal Secretary, Panchayati Raj Department making provisions of accommodation of Dalpati against the post of Panchayat Sevak following the orders of this Court. The petitioners never raised any grievance at that stage against their non-appointment even though in between the Bihar Panchayat Raj Act, 1993 was replaced and repealed by the Bihar Panchayat Raj Act, 2006 with similar provisions. In fact the State Government in exercise of its power vested under section 146 of the Bihar Panchayat Raj Act, 2006 has framed Bihar Gram Panchayat (Appointment, Power and Duties of Secretary) Rules, 2011 (hereinafter referred to as 'the Rules') and which makes appointment of a Panchayat Secretary by way of direct recruitment. Even at this stage no grievance was raised, rather it is when the State has issued a Press Communiqué on 17.12.2016 at Annexure 8 to the interlocutory application inviting applications for filling up of the post of Panchayat Secretary amongst other posts with qualification of Intermediate vide Annexure 9 that the present writ petition is filed to exercise a right, if any, which inhered to the petitioner under the advisory present at Annexures 4 and 5 issued in the year 2008 and with complaint that while these petitioners are holding the post of a Matriculate which was a qualification prescribed at the relevant time for Dalpati/ Panchayat Sewak post but the same has been enhanced to



Intermediate for which the petitioners are not eligible.

Having heard Dr. Singh, learned Senior Counsel, appearing for the petitioners alongwith Mr. Arun Kumar, Advocate on record, and Mr. Ranjan, learned counsel for the State, I am of the opinion that the writ petitioners are not entitled to any indulgence for they have awoken from slumber after a lapse of almost a decade. If at all any cause arose for the petitioners, it did in the year 2008 when the advisory was issued to fill up the post of Panchayat Sewak from Dalpatis but the petitioners raised no grievance rather they waited for almost a decade to seek the same. Considering that ‘the Rules’ have undergone a change and even the qualification has been enhanced, the passage of time with nothing on record to support that the petitioners were under any kind of assurance, I do not feel persuaded to exercise my discretion under the extraordinary jurisdiction.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.11.2017
Transmission Date	NA

