

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2127 of 2016

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1. Surendra Prasad Gupta Son of Jainath Prasad Resident of village - Bhadwar,
P.O. Bhadwar, District - Bhojpur at Arrah
2. Vindhyachal Prasad Son of Lal Mohan Das Resident of village - Kosihan, P.O.
Khangaon, District - Bhojpur at Arrah

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, Bhojpur, Arrah
3. Deputy Collector, Establishment, Bhojpur Collectorate, Arrah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.
Mr. Natraj Verma, Adv.

For the Respondent/s : Mr. Arvind Kumar, AC to GA9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-11-2017

Heard learned counsel for the parties.

The petitioners were appointed against the post of Clerk under the orders of the Assistant Director, which appointment was subsequently cancelled, inter alia, on grounds that it was made by an authority not competent to do so. The petitioner came before this Court in C.W.J.C.No. 5548/1993 and a Bench of this Court without interfering with the order of cancellation gave liberty to the petitioner to apply against future vacancies if advertised and the respondents were directed to give the benefit of age relaxation. Despite the earlier order, since the attempt of the petitioner for regularization was negated vide order passed on 10.10.2011 that they again came before this Court in C.W.J.C.No. 3575/2012. A co-ordinate Bench of this



Court taking note of the sequence of events found no ground to grant indulgence to the prayer made by the petitioner. However, while disposing of the writ petition the Court again observed that if the vacancies are available and the respondents propose to fill up the post by an advertisement, they would consider the persons like the petitioners for age relaxation and weightage considering the cases of others. In between a selection process was initiated for preparation of panel in Class IV post and the petitioners taking benefit of the earlier orders of this Court attempted to get themselves included in the panel which was rejected by the Establishment Deputy Collector, Bhojpur at Arrah vide order bearing Memo No. 498 dated 9.5.2013, inter alia, on grounds that the directions of this Court were relatable to the selection process relating to the post of Clerk on which the petitioners had worked and since the selection process in question was in relation to preparation of panel in Class IV post in respect of which there was no direction of the High Court, the claim for inclusion in the panel made by the petitioners was found unsustainable and rejected.

Apart from the fact that it has taken more than two years for the petitioners to come before this Court to question the decision of the Establishment Deputy Collector dated 9.5.2013 taking refuge in the contempt proceedings which also was disposed of on 16.12.2014, even on the reasons assigned by the Establishment Deputy Collector



put to challenge herein, I am not persuaded to grant indulgence.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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