

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.980 of 2017

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1. Anil Kumar Thakur Son of Sri Krishn Jeevan Thakur, Resident of Village-Ismilepur, Police Station and Block-Hajipur Sadar, District-Vaishali at Hajipur at Present posted the Post of Panchayat Sewak (Secretary) at Block-Sahadale Bujurg, District-Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Arvind Chaudhary, the Principal Secretary, the Department of Panchayati Raj, Government of Bihar, Patna.
3. Sri Kuldip Narayan, the Director-Cum-Joint Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. Sri Shushant Kumar, the Deputy Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
5. Sri Rachna S. patil the District Magistrate, Vaishali at Hajipur
6. Sri Aditya Kumar Singh, the District Panchayat Officer, Vaishali at Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy
For the Respondent/s : Mr. P.N. Shahi- Aag6

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 29-11-2017 Heard learned counsel for the petitioner and learned
Additional Advocate General appearing on behalf of the State.

In pursuance of the order dated 08.11.2017, the Principal Secretary, Department of Panchayati Raj, Government of Bihar, is present before this Court with the State Level Gradation List of the year 2015 as well as the State Level Gradation List of the year 2017.

It is submitted that there are two lists. In view of the fact that each year the list is revised on superannuation/death



/demise or for any other reason which may also include promotion.

It is submitted that as per the Rule 6(ii) of the Bihar State Panchayat Service Rules, 2010, the 25% posts are to be filled up by promotion on the principle of seniority-cum-merit from the State Gradation List of Panchayat Secretaries having Graduate Qualification.

It has been further stated in the said Rule, but for the promotion of those Panchayat Secretaries shall be eligible who have acquired education qualification as per the Rule 7(i); who have been in service for a minimum of ten years, whose maximum age does not exceed 50 years and those who have fulfilled the other conditions laid down by the State Government.

The submissions advanced by the learned Advocate General are that in the Gradation List of the year 2015, the records clearly show that the petitioner Anil Kumar Thakur having date of birth 26.02.1962 had crossed the aforementioned age limit. He has clarified that this list in which his name figures at serial No. 420 is the list of Panchayat Secretaries who are graduates but not of those who are fully eligible as per Rule 6(ii) of the aforementioned Rules. He has also referred to Rule 7(i), which fixes the qualification for the recruitment on the post of Block



Panchayat Raj Officers-(1)(a) Graduate in Arts, Science and Commerce, from any University recognized by the Government or any other qualification as declared equivalent to the aforesaid degree (Graduation) by the Government from time to time.

It thus appears that even in the year 2015, the petitioner has crossed the age of fifty years and did not come in the zone of consideration as had been directed by the order of the Writ Court.

This Court is thus satisfied that the authorities have finalized its gradation list as per the direction passed by this Court in the light of the Rule 6(ii) of the Bihar State Panchayat Service Rules, 2010.

As such, the present contempt application stands dismissed.

(Anjana Mishra, J)

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