

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10617 of 2000

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1. Mahesh Kumar Singh, son of Shree Sudama Singh, R/o Village – Sarbisarai, Under Gram Panchayat & Post Office – Nawadah, P.S. and Block – Jalalpur, District Saran at Chhapra,
 2. Satish Kumar Singh, son of Late Parasnath Singh, R/o Village – Baijalpur Jamui, Post Office – Baijalpur Keso, Via Sonapur, Under Gram Panchayat Baijalpur Kalyanpur, P.S. & Block Sonapur, District – Saran at Chhapra,
 3. Ram Sumer Singh, son of Late Bijali Singh, R/o Village Dhobahi, Under Gram Panchayat – Amnaur Har Narayan, Post Office – Puraina, P.S. and Block – Amnaur, District – Saran at Chhapra.

.... Petitioners

Versus

1. The State of Bihar
2. The Director, Directorate of Panchayati Raj, Govt. of Bihar, Patna,
3. The Divisional Commissioner, Saran Division at Chhapra,
4. The Secretary to the Divisional Commissioner, Saran at Chhapra,
5. The District Magistrate, Saran at Chhapra,
6. The Deputy Development Commissioner, Saran at Chhapra,
7. The District Panchayat Raj Officer, Saran at Chhapra.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate.
For the Respondent/s : Mr. Sita Ram yadav, G.P. 16.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 01-02-2018

Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners in the present case are seeking a writ of certiorari to quash and cancel the approval of the roster of the post of Panchayat Sevak of the district of Saran at Chhapra issued vide letter no. 1913 dated 29.10.1999 by the then Divisional Commissioner, Saran Division at Chhapra.

It is the case of the petitioners that more than 50% of the



posts were reserved out of 81 vacancies, only 24 posts were given to the General Category which is in complete contravention of the judicial pronouncements on the subject.

On the other hand, learned counsel for the State submits that pursuant to the roster finalized vide Annexure-4, appointments were made as back as 20 years and now, without going into the merit of the contentions, the Writ Application has to be dismissed as the reliefs prayed for cannot be granted after 20 years, that too, when the petitioners were not granted any interim protection by this Court during the pendency of the Writ Application. It has also been pointed out that the persons appointed against the roster are not the parties to the present Writ Application.

Considering the facts and circumstances of the case and the judicial pronouncements of the Hon'ble Supreme Court in the cases of seniority and promotion, particularly that if the delay is such that it is likely to unsettle the settled position of third parties and when those third parties are not impleaded as parties to the proceeding, this Court would not interfere with the same or unsettle the same after such a long time, I am not inclined to grant the prayer made in the Writ Application and it is accordingly dismissed.

At this stage, learned counsel for the petitioners submits that as was his instruction no appointment has been made against



these reserved posts but, according to the statements made in the Counter Affidavit filed on behalf of the State, appointment has already been made according to the approved roster. This statement in the Counter Affidavit has not been controverted by the petitioners by filing any rejoinder. Thus, the submission advanced at this stage seems to be baseless and is liable to be rejected.

The Writ Application is, thus, dismissed in the facts and circumstances stated here-in-above.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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