

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14549 of 2017

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Nand Lal Paswan, Son of Guneshwar Paswan, Resident of Village- Nauranga,
Post- Keshav Nagar, P.S.- Choutham, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Director, Primary Education, Human Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Programme Officer, (Establishment), Saharsa.
6. The District Education Officer, Saharsa.
7. The Sub-Divisional Officer, Simri Bakhtiyarpur, District- Saharsa.
8. The Block Development Officer, Simri Bakhtiyarpur, Block Simri Bakhtiyarpur, District- Saharsa.
9. The Block Education Officer, Simri Bakhtiyarpur, Block- Simri Bakhtiyarpur, District- Saharsa.
10. In-Charge Officer, Law Branch, Saharsa.
11. Mohanpur Gram Panchayat through the Panchayat Secretary-cum-Member Secretary, Panchayat Niyojan Shiksha Samittee Mohanpur Panchayat, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.
12. Mukhiya, Mohanpur Gram Panchayat, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.
13. Chitranjan Kumar Singh, Son of Tarkeshwar Singh, Resident of Village- Mohanpur, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.
14. Kundan Kumar, Son of Satya Nand Roy, Resident of Village- Mohanpur, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.
15. Md. Kaishar Ali Rahmani, Son of Md. Alauddin, Resident of Village- Mohanpur, Tola- Usrahi, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.
16. Md. Abu Kamar, Son of Md. Sultan Ahmad, Resident of Village- Mohanpur, Tola- Usrahi, P.O.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar
For the Respondent/s : Smt. Shilpa Singh -Ga-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 11-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ



application is confined to consideration of his case against the vacancy of scheduled caste category.

Learned counsel for the petitioner submits that pursuant to the direction of this court, a fresh selection process was conducted as against two vacancies of scheduled caste and the name of petitioner is at sl.2. He further submitted that the person at sl.1 in the scheduled caste category has refused and as such in all fairness the authorities ought to have considered the case of the petitioner considering merit position and the available vacancy.

In view of the above, the respondents are directed to examine the claim of the petitioner and if it is found that there exist two vacancies for scheduled caste category and the petitioner is at sl.2 in the scheduled caste category, the case of the petitioner may be considered for appointment against the vacancy of scheduled caste category. In addition thereto, the respondents are also directed to examine the correctness of the averments made by the petitioner that in view of the fact that at sl.1 has not joined the resulted vacancy is available for consideration of appointment at sl.2, the respondents are hereby directed to ascertain whether the petitioner is in sl.2 at the merit list of scheduled caste category and whether at sl.1 in the



scheduled caste category has refused to join or not. In the event if the petitioner is at sl.2 and there exist two vacancies and the person at sl.1 in the scheduled caste category has refused to join, the respondents are required to consider the case of the petitioner for appointment against the available vacancy of scheduled caste category within a period sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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