

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13706 of 2001

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1. Shambhu Yadav, son of Rupan Yadav, R/o Village – Patsanda, P.O. and Gram Panchayat Police Station and Block – Gidhaur,
2. Rajendra Mandal, son of Baleshwar Prasad Mandal, R/o Village and Gram Panchayat – Anjharidih, P.O. Chhapardih, P.S. and Block Sono,
3. Nandkishore Singh, son of Gauri Singh, R/o Village, Post Office and Gram Panchayat – Changodih, P.S. and Block Khaira,
4. Sudhir Singh, son of Jaideo Prasad Singh, R/o Village, P.O. Gram Panchayat Charaiya, P.S. and Block Sono,
All the petitioners belong to the District of Jamui.

.... Petitioners

Versus

1. The State of Bihar
2. The Director, Directorate of Panchayati Raj, Govt. of Bihar, Patna,
3. The Commissioner, Monger Division, Monger,
4. The District Magistrate, Jamui,
5. The Deputy Development Commissioner, Jamui,
6. The District Panchayat Raj Officer, Jamui.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate.
For the Respondent/s : Mr. Manoj Kumar, AC to SC 12.

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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 Jamui dated 01.10.1996 by the then Commissioner, Munger Division, Munger.

It is the case of the petitioners that more than 50% of the posts were reserved out of 36 vacancies, only 14 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-1, appointments were made as back as 21 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 21 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



paragraph 12 of the Counter Affidavit filed on behalf of the State, appointment has already been made according to the approved roster. This statement in paragraph 12 of 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
Uploading Date	02.02.2018
Transmission Date	N/A

