

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7677 of 2015

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Pradeep Kumar Rawat son of Shyam Rawat resident of village Gosai Tola, Ward No. 18, P.S. & Dist. Jamui.

.... Petitioner/s

Versus

1. District Selection Committee through Its Chairman cum District Magistrate, Jamui, Bihar.
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. Divisional Commissioner, Munger Division, Munger.
5. District Magistrate cum Chairman, District Selection Committee, Jamui.
6. Civil Surgeon cum Chief Medical Officer, Jamui.
7. Establishment Deputy Collector cum Member Secretary, District Selection Committee, Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Prabhat Ranjan Singh, Advocate
For the S t a t e : Smt Binita Singh, SC XXVIII with
Mr Nishant Kumar Jha, AC to SC XXVIII

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-06-2018

Heard the learned counsel for the petitioner and the
learned counsel for the State.

2 It is submitted by the learned counsel for the petitioner that merely by virtue of his non-submission of the card showing his registration with the Employment Exchange, he cannot be denied consideration of his case for regularization in the process initiated in the year, 2013. From the impugned order rejecting his claim (Annexure 4), it is obvious that his claim has been rejected due to



non-submission of his registration card with the Employment Exchange. That is the reason disclosed for rejecting his claim by Annexure 4 which is the appointment information published by the District Magistrate, Jamui on 19.10.2012. petitioner's counsel has relied upon decision of this Court in the case of *Bisheshwar Tanti – Versus- State of Bihar & Others* (CWJC No 21079 of 2013). The judgment is dated 15.02.2017. It appears from the said judgment that this Court has specifically held that so far as non-availability of registration card with the Employment Exchange is concerned, the same cannot be made a ground for rejection of candidature of the petitioner. The same is the case here. Petitioner's counsel has also drawn the attention of this Court towards the candidature of Trilok Bihari Singh who is at Serial 436 in the same appointment information. The case of Trilok Bihari Singh has been rejected on two grounds, one he was not under the prescribed age limit and the other was that he has not annexed the registration card with the Employment Exchange,. He submits that even in the case of Trilok Bihar Singh, the requirement of registration card with the Employment Exchange has not been made the basis for rejecting his claim and that subsequently he has been recommended for appointment as is evident from the order dated 26.02.2018 passed in *MJC No 1142 of 2015* in the case of *Trilok Bihari Singh –Versus-*



State of Bihar & Others.

3 Having considered the aforesaid submission, this Court is of the opinion that the petitioner is also entitled to similar treatment.

4 Accordingly, the writ petition is disposed of.

5 Respondent No 5 shall be obliged to consider the case of the petitioner without insisting upon the requirement of the registration card with the Employment Exchange.

6 If otherwise also, the petitioner's case is found eligible, he would be entitled to the benefit of the same.

7 Decision, in this regard, must be taken by respondent No 5 within a period of eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	NA

