

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1893 of 2015
IN
Civil Writ Jurisdiction Case No. 19 of 2014**

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1. Manoj Kumar Choudhary S/o Shiv Narayan Choudhary R/o Mohalla-Laluchak, P.S.-Ishakchak, Town & District-Bhagalpur.
2. Pramod Kumar Roy S/o Indu Bhushan Roy R/o Mohalla-Bhikhanpur, Bhattha, Road, Khaidhiya Tola, P.S.-Ishakchak, Town & District-Bhagalpur.
3. Subodh Kumar Thakur S/o Late Ram Prasad Thakur, R/o Lodipur, Nai Tola, P.S.-Lodipur, District-Bhagalpur.
4. Bindeshwari Pd. Das S/o Lt. Biran Das R/o Mohalla-Mohaddinagar, P.O.-Mirjanhat, P.S.-Mojahidpur, Town & District-Bhagalpur.

.... PetitionersAppellant/s

Versus

1. The State of Bihar through the District Magistrate, Banka.
2. The District Establishment Committee, Banka, through its Chairman Cum The Collector, Banka.
3. The Establishment Deputy Collector, Banka. .. Respondents/Respondents (1st set)
4. Arun Kumar Roy S/o Lt. Surendra Mehta, R/o Mohalla-Mundichak, P.S.-Ishakchak, Town & District-Bhagalpur.
5. Surendra Mehta S/o Lt. Patinandan Mehta, R/o Mohalla-Mundichak, P.S.-Ishakchak, Town & District-Bhagalpur.....Petitioners/Respondents (IIInd set)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Purushottam Kumar Jha
For the Respondent/s : Mr. Kinkar Kumar, SC 9
Mr. Zakir Haider, AC to SC 9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-04-2018

Seeking exception to an order dated 07.05.2015 passed by
the learned Writ Court in CWJC No. 19 of 2014 this appeal has been
filed under Clause 10 of the Letters Patent.

In pursuance to an advertisement issued on 19.08.2004



the Collector, Banka notified vacancies for filling up Class-IV post, criteria were laid down and the recruitment process culminated in a final panel of 225 persons being prepared against 90 vacancies existing at the relevant time in the ratio of 1:2.5 The final panel was prayed on 15.12.2004. Based on the vacancies that were existing up to 2006, 188 persons were appointed on the basis of recommendation made by the District Selection Committee. Writ petitions were filed challenging the panel being CWJC No. 14427 of 2006, CWJC No. 3061 of 2007 and CWJC No. 331 of 2007. The matter was considered by this Court and a Bench of this Court on 20.07.2011 and on various other dates considered various aspects of the matter and finally on 30th August, 2011 in CWJC No. 14427 of 2006 an interim order was passed. Based on the directions issued in the aforesaid writ petition it seems that the Collector, Banka was summoned to the Court, he filed an affidavit and finally by considering various aspects of the matter in detail the said writ petition was disposed of by a detailed order. In compliance to the order passed in CWJC No. 14427 of 2006 and other analogous cases a revised panel of 330 persons were made in the year 2011-12 based on the actual working days of daily wages employees and the petitioners' name found place at Sl. Nos. 298, 250, 266, 253, 275 and 372 respectively and it is the case of the State Government now that no person having lesser number of actual working days have



been appointed except 21 persons as per Annexure-5 to the writ petition. It is stated by filing a supplementary affidavit that the names of the petitioners do not find place in the list of (inclusion list) 21 candidates prepared in compliance with the order dated 17.01.2012 in CWJC No. 14427 of 2006 and therefore have not been appointed.

Grievance of the petitioners is now that persons with less working days have been appointed and the petitioners' case have not been considered. We find that the panel has been prepared in pursuant to various orders passed from time to time by this Court in various writ petitions wherein the Collector personally appeared and filed their affidavit and the learned Writ Court has finally approved the panel. Now in the light of all these factors with regard to the appointment made in pursuant to the advertisement issued in the year 2004 we see no reason to interfere into the matter. The learned Writ Court having considered the nature of dispute and having dealt with the matter in various writ petitions has not committed any error in dismissing the present writ petition. Merely because some persons have been illegally appointed we cannot allow the illegality to be perpetuated granting appointment to the petitioners and when the counter affidavit indicates that the list has been prepared strictly in accordance with the directions issued by this court and the petitioners do not find place in the list of the eligible candidates.



Considering the totality and the facts and circumstances of the case we are not inclined to interfere into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sanjay Kumar, J)

mr1./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02/05/2018
Transmission Date	

