

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6814 of 2016

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Sanjeev Kumar Son of Rajendra Ram Resident of Village Raijai Krishna Road,
Gurhatta, Patna City, P.S. Khazakala, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Deputy Collector, Establishment, Patna.
5. The Deputy Collector, Nazarat having his office in Collectorate compound, Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, Patna.
7. The Secretary, Regional Transport Authority, Patna Division, Patna.
8. The Superintendent Engineer, Central Circle Road, Construction Department, Patna.
9. The District Fishery officer-cum-Chief Executive Officer, Patna.
10. The Commandant, BMP - 5, Patna.
11. The District Welfare Officer, Patna.
12. The Joint Agriculture Director, Bihar, Patna.
13. The Special Deputy Director, Major Animal Development Project, Patna.
14. The Director, Training and Research Institute, Road Construction Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, J.

For the Respondent/s : Mr. Haroon Quareshi, AC to SC1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-05-2018

Heard Mr. Pankaj Kumar Singh, learned counsel for the petitioner and Mr. Haroon Quareshi, learned AC to SC-1, for the State.

The petitioner is aggrieved because although he stands empanelled at serial no. 127 in the 4th priority list so prepared following advertisement no. 3/2010 at Annexure 1 but the



appointment order has eluded him.

The reason assigned in the counter affidavit is that the appointment process was initiated to regularize those who were already in service of the State and thus, it is following orders passed on the writ petition as well as policy dated 16.3.2006 of the State Government, a copy of which is enclosed at Annexure 'C' that those with work experience had been appointed while fresh applicant continued remain on the panel. It is further informed that the process stood completed in the year 2013 on appointment of 90 experienced daily wagers. The Empanelment of the petitioner and other similarly placed fresh applicant is not contested by the respondents, what is contested is that the process was initiated for regularization of the daily wagers and not appointment of the fresh applicant.

Mr. Singh, learned counsel for the petitioner, in reference to the advertisement submits that no doubt the advertisement does indicate that the appointments were to be made by process of regularization but then even if that be so, the moment the advertisement envisages a priority to a daily wager, it means that it was equally open for fresh applicant subject to availability of post. He submits that since it is following a duly constituted selection process that on application being filed by the petitioner and those similarly placed, they have been put on panel and even though the vacancy



admittedly exists on Group- D posts but simply because the petitioner is a fresh applicant though registered with Employment Exchange, he and others similarly placed are not being appointed.

Having heard learned counsel for the parties and considering that there is no objection on the procedural sanctity of the selection process as well as qualification of the petitioner for being appointed on Group-D post together with his registration in the Employment Exchange, in my opinion even if the advertisement characterized appointment by way of regularization but in case names have been sponsored by the Employment Exchange of fresh applicants who fulfil the criteria and there are vacancies yet existing on Group-D post after completion of regularization process, the petitioner and others similarly placed, who have been sponsored by the Employment Exchange and found qualified for holding such post, are entitled for consideration in case they do not entrench upon the right of the daily wager. The District Magistrate, Patna can well consider the candidature of such of the applicants for appointment against the vacancies so advertised and existing even after regularization of the daily wagers. According to Mr. Singh, there are yet more than 300 vacancies subsisting. Let there be a fresh consideration of the issue by the District Magistrate, Patna and its disposal in accordance with law within three months of receipt/ production of a copy of this judgment.



This disposes of the writ petition.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2018
Transmission Date	NA

