

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16765 of 2008

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Anil Kumar Ram, son of Sri Nand Kishore Ram, resident of village Baligaon, P.S. Ayar, District Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Bhojpur
3. Nodel Officer, Garhani Block District Bhojpur
4. The Block Development Officer, Garhani Block, Bhojpur
5. The D.P.R.O., Bhojpur
6. The Sarpanch, Gram Panchayat Raj, Baligaon, P.S. Ayar, District Bhojpur
7. Mohan Kumar, son of Kameshwar Ram, resident of village Srinagar, P.S. Ayar, District Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Adv.

For the Respondent/s : Mr. Manoj Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-11-2018

Heard the parties.

The complaint of the petitioner is that although in the merit list at Annexure-4 he figures at serial no. 1, yet it is the private respondent whose name appears at serial no. 6 with lesser marks than the petitioner, who has been appointed to the post of the Secretary, Gram Katchahry, Gram Panchayat Baligaon under Block Garhani in the District of Bhojpur.

It is submitted that the petitioner filed an application before the Sub-Divisional Officer under the Bihar Gram Katchahry Sachiv (Appointment Service Condition and Duty) Rules, 2007 (hereinafter referred to as 'the 2007 Rules'), which was in force at the relevant



time, but the same remains pending. Feeling aggrieved he came before this Court through the writ petition in question which unfortunately got dismissed for non-prosecution but has been restored thereafter.

The sole issue that is being raised by Mr. Vishwa Ranjan Choudhary, learned counsel for the petitioner to question the appointment of the private respondent, who is represented by Mr. Manoj Kumar Singh, is that he ranks higher than the private respondent as per the merit list at Annexure 4.

Despite pendency of the writ petition for last decade, the usual laid back attitude of the State, does not allow them to file a counter affidavit.

In the nature of the grievance raised and since the petitioner has already filed his representation against the appointment of the private respondent which has remained pending, this Court taking note of the fact that the '2007 Rules' has since been repealed and replaced by the Bihar Gram Katchahry Secretary (Employment, Service Condition and Duties) Rules, 2014 which allows an appeal against any selection which lies before the District Panchayat Raj Officer, would grant liberty to the petitioner to raise his grievance before the District Panchayat Raj Officer, who shall consider and dispose of the same in accordance with law after giving opportunity of hearing to the petitioner as well as the private respondent and since



the issue relates to a selection made more than ten years ago, an expeditious disposal preferably within three months of raising of the grievance, would be expected.

This disposes of the writ petition.

(Jyoti Saran, J)

Archana/ Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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