

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2412 of 2015

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1. Nandlal Pandit S/o Sri Laxman Pandit
2. Sandip Kumar Thakur
3. Raj Kumar Thakur Both S/o Late Dukha Thakur All Resident of Village & P.O. Murli Basantpur, P.S. Bangaon, District Saharsa.
4. Nawin Kumar Bharti S/o Haldip Prasad Yadav Resident of Village Shahpur, P.O. Murli Basantpur, P.S. & District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. Shri Santosh Kumar Verma S/o Late Chakradhar Lal Das Mohalla Naya Bazar, P.O. + P.S. + District Saharsa through the Collector, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Nibash Pd., Advocate
For the State : Mr. Rajesh Kumar, AC to GP 3
For the Respondent No. 5 : Mr. Anil Kumar Mukund, Advocate
Mr. Purnendu Keshav, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-07-2018

Heard learned counsel for the petitioners and the respondent State.

2. The petitioners have filed the writ petition for appointment on Class 4 posts by way of regularization since the same has been granted to the respondent no. 5.

3. The State has filed counter affidavit. It is their case that the roster clearance is awaited since March, 2015. With respect to appointment of respondent no. 5 it is submitted that in compliance



of Court's order dated 12.05.2010 in MJC No. 2008 of 2008 and order dated 21.11.2012 in MJC No. 3597 of 2012 the respondent no. 5 has been appointed provisionally on the recommendation of District Selection Committee.

4. It is common case of the parties that during pendency of the instant writ petition respondent no. 1 has also been appointed provisionally. With respect to remaining petitioners the stand of the respondents is that only upon roster clearance of 31 available vacancies which has been sought under letter dated 11.03.2015 bearing no. 252, the appointments will be made as per provision of the government circular.

5. In view of such stand, no order needs be passed. However, it is observed that admitted claim of the petitioners in light of their empanelment in the panel of 2007 should not be kept pending indefinitely . This Court would only consider it appropriate to direct the respondent authorities to take a final decision in respect of roster clearance to facilitate proper appointment with regard to the merit list/panel of 2007. Continuance of such provisional/ad-hoc appointments ignoring the merits of the candidates in the panel of 2007 cannot be allowed to continue indefinitely. Let the respondents take a final decision on the roster clearance within a period of three



months from today. The entitlement of the petitioners would be examined with reference to their position in the panel of 2007 on the basis of roster clearance in this regard.

6. With the aforesaid observation the writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

