

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18828 of 2014

=====

Manjay Kumar Ram S/o Sri Radha Krishna Ram, R/o Vill.- Arna, P.S.- Masrakh,
District- Saran Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Rural Development
Department, Govt. of Bihar, Patna
 2. The District Development Commissioner, Saran at Chapra
 3. The Commissioner, Saran Division, Chapra
 4. The District Magistrate, Saran at Chapra
 5. The Sub Divisional Officer, Marhaoura, Saran, Chapra
 6. The Block Development Officer, Mashrakh, Saran, Chapra
 7. The Mukhia Gram Panchayat Raj, Arna
 8. The Gram Panchayat Supervisor, Mashrakh
 9. Raju Ram, S/o Rajendra Ram, R/o Vill.- Chhapia, P.S.- Mashrakh, District-
Saran at Chapra Respondents
- =====

Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate

For the Respondents : Mr. Manoj Kumar, AC to GP 4

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-06-2018

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

2. The writ petition has been filed by the petitioner seeking a direction upon the respondents to appoint the petitioner as Vikas Mitra at Gram Panchayat Raj, Arna, in the Masrakh block of district Saran. The petitioner has based his claim on the recommendation made in his favour under letter dated 21.2.2013 (Annexure 4 series) issued by the BDO, Masrakh. The petitioner has further stated that the register showing receipt of application only reflects one application having been filed in the selection



process which was of the petitioner. His case is that there was no other candidate and as such recommendation was made in his favour. The petitioner has relied upon the merit list which has been communicated

3. On the other hand, State counsel relies upon the merit list which is enclosed along with communication dated 25.1.2014 (Annexure B) issued by the Sub Divisional Officer, Marhaura in respect of selection in question. It is submitted that the petitioner was one of the six candidates and as such he was not recommended for appointment. Stand of the learned counsel for the respondents is that the recommendation, relied upon by the petitioner, is not genuine. Disputed questions of fact have arisen in the instant proceedings as a result of the conflicting stand.

4. This Court, therefore, considers it appropriate that the matter regarding genuineness of petitioner's claim on the basis of above noted recommendation would require detailed enquiry with reference to the records available in the office regarding the selection process.

5. The writ petition is disposed of with direction to the respondent no.4, the District Magistrate, Saran to get an enquiry conducted into the claim of the petitioner with reference to the various recommendations which he has relied upon. After



examining claim of the petitioner, final decision be taken by the District Magistrate after affording opportunity to the petitioner in the enquiry.

6. Learned counsel for the State submits that liberty may be given to the authorities to take appropriate action also against the officials responsible, in case, the document which the petitioner is relying upon, is found to be a forged document.

7. This Court would only express that the authorities are always at liberty to take action against the erring authorities in accordance with law, if such occasion arises.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFAR
CAV DATE	NA
Uploading Date	29.6.2018
Transmission Date	NA

