

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2941 of 2013

In

Civil Writ Jurisdiction Case No. 15669 of 2008

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1. Babu Chand Das Son of Narayan Das, resident of Village Chamandih, P.S. Chandaui, District –Gaya.
 2. Arun Kumar Son of Kamta Prasad, resident of Village Tatua, P.S. Atri, District – Gaya.
 3. Harendra Kumar Singh Son of Late Dev Saran Prasad, resident of Village Balua, P.S. Belaganj, District – Gaya.
 4. Krishna Gahlaut Son of Bigan Gahlaut, resident of Village Sri Ram Bigha, P.S. Gurua, District – Gaya.
 5. Braj Mohan Pandit Son of Prabhu Nath Pandit, resident of Village Manjhiawan, P.S. Kurtha, District – Arwal.
 6. Mahendra Kumar Son of Arjun Prasad, resident of Village Dubahal, P.S. Chandchaura, District – Gaya.
 7. Ashok Kumar Chaudhary Son of Ram Kishun Chaudhary, resident of Village Kesru Dharmpur, P.S. Kesru, District – Gaya.
 8. Bhagwan Prasad Son of Haris Chandra Prasad, resident of Village Manikpur, P.S. Alipur, P.O. Kespa, District – Gaya.
 9. Kapildeo Sharma Son of Mathura Thakur, resident of Village Punaul, P.S. Chekri, District – Gaya.
 10. Satyendra Kumar Verma Son of Late Brajesh Kumar Verma, resident of Village Godawari, Bhairo Asthan, P.S. Chandchaura, District – Gaya.
 11. Basudeo Prasad Son of Late Bhajni Mahto, resident of Village Bhagdaha, P.S. Civil Aerodram, District – Gaya.
 12. Narayan Prasad Son of Lalan Bhagat, resident of Village Rafiganj, P.S. Rafiganj, District – Aurangabad.
 13. Deepak Kumar Son of Sideswar Prasad, resident of Village Kharati, P.S. Bhagadhaha, District – Gaya.
 14. Ram Swaroop Singh Son of Dukhan Singh, resident of Village Raghunath Khap, Arur, P.S. Gurua, District – Gaya.
 15. Dinesh Kumar Son of Nand Kishore Prasad, resident of Village Murli Hill Road, Chhapra Kothi Bairagi, P.S. Kotwali, District – Gaya.
 16. Shiv Narayan Paswan Son of Late Ram Sewak Paswan, resident of Village Akauna, P.S. Belaganj, District – Gaya.
 17. Ramashish Pandey Son of Late Rupan Pandey, resident of Village Cherkidih, P.S. Cheriki Bazar, District – Gaya.
 18. Rajanish Kumar Singh Son of Narendra Prasad Singh, resident of Village Kendua, P.O. Kendua, P.S. Magadh Medical College, Gaya, District – Gaya.
 19. Uma Shankar Singh Son of Late Shiv Prasad Singh, resident of Village Mandir Maa Bageshwari, New Colony, P.S. Gaya Railway Station, District – Gaya.

.... Petitioners

Versus

1. The State of Bihar through Sri Bala Murugan Di, the District Magistrate, Gaya.
2. Sri Naushad Ahmad, the Deputy Collector (Establishment), Gaya Collectorate, District – Gaya.
3. Sri Yashshpati Mishra, the Deputy Collector (Nazarat), Gaya



Collectorate, District – Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

18 11-10-2018 No one appears for the petitioners. Learned counsel for the State is present.

Attention of this Court has been drawn towards supplementary affidavit filed on behalf of the petitioners. Learned counsel for the State has shown that from Annexure-7 which is an order passed by the Hon'ble Apex Court in Civil Appeal No.4789 of 2016 it would appear that with regard to preparation of panel as per the advertisement no.1/04 certain observations and directions given by this Court in the connected matters have been considered and in the operative part of the order, the Hon'ble Apex Court held as under:-

“Considering the said submission made on behalf of the contesting private respondents and since such private respondents to be selected to the post based on the judgment of the learned Single Judge as well as that of the Division Bench and their hope is only for getting entry into service of Class IV employee, we only permit them to make a representation to the State Government for grant of further relaxation in their age beyond 45 years and



not beyond 50 year, by exercising Rule 54, of Bihar Service Code. In the event of any such representation being made on behalf of those private respondents within one month from the date of receipt of this order, we only direct the State Government to consider the same sympathetically and pass appropriate favourable orders and consider their claim for appointment in the vacancies which are available in Class IV service. Such orders shall be passed expeditiously preferably within one month from the date of filing of the representation on behalf of the contesting private respondents.

This order shall not be and cannot be treated as a precedent in other cases.”

Now the claim of the petitioners in the present case is that the similarly situated other empanelled candidates in respect of whom the matter had gone to the Hon'ble Apex Court have got the benefit of the said order and because the petitioners are exactly similar to them their applications should also be considered and disposed off in the light of the order of this Court passed on 7.09.2016 in MJC No.802 of 2013.

Even though no one appears on behalf of the petitioners, this Court has considered the supplementary affidavit and the orders which have been placed before this Court by learned counsel for the State and finds its just and proper to dispose off the present application with a direction to the opposite



parties to consider the case of the petitioners and if it is found that they are exactly similar to the case of the petitioners of MJC No. 802 of 2013, the same benefits which have been provided to other similarly situated persons be also given to these petitioners. Such decision should be taken within a period of sixty days from today.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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