

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11327 of 2014

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Santosh Kumar Das son of Sri Nand Kishore Ravidas resident of village -
Pardomania Mal, Milky, P.O. Pachrukhi, Block - Shahkund, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar at Patna
2. The Secretary, Bihar Panchayati Raj Department, Government of Bihar at Patna
3. The Commissioner, Bhagalpur Division, Bhagalpur
4. The District Magistrate, Bhagalpur
5. The Sub - Divisional Officer, Bhagalpur
6. The Block Development Officer, Shahkund, Bhagalpur
7. The District Panchayati Raj Officer, Bhagalpur
8. The Sarpanch, Gram Kachahri, Pardominia Mal, Block - Shahkund, District - Bhagalpur
9. Sri Pankaj Kumar Mandal son of Late Kamala Mandal resident of village -
Pardominia Mal, P.O. Panchrukhi, Block & P.S. Shahkund, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the respondent no. 9 : Mr. Sanjeev Sharan, Advocate
Mr. Sanjay Kumar Mishra, Advocate
For the State : Mr. Manoj Kumar Ambastha, SC 26

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-01-2018

Heard counsels for the petitioner, State and the respondent
no. 9.

2. Challenging the appointment of one Ravi Kumar, the
respondent no. 9 of the instant writ petition had filed CWJC No. 1960
of 2012. The same was disposed off by order dated 29.03.2012 with
direction to the Sub-Divisional Officer to decide the matter within 30
days after hearing all the parties concerned including the said Ravi



Kumar as to who is the bonafide claimant to the post of Secretary, Gram Kutchery, Pardominia Mal. A panel was prepared in accordance with provisions of **Bihar Gram Kutchery Sachiv (Employment, Service Conditions and Duties) Rules, 2007** (hereinafter referred to as the '**Rules, 2007**') wherein four persons including the respondent no. 9 of the instant writ petition had been empanelled.

3. Reference may be made to the procedure for employment provided in the said Rules, 2007 which recognizes the said panel which had been prepared in accordance with Rule 6 (6) of the Rules, 2007. As per the said Rules, appointments were to be made from the panel prepared in accordance with the provisions. Accordingly, the claims of the four empanelled members were considered pursuant to the order dated 29.03.2012 of this Court passed in C.W.J.C. No. 1960 of 2012. Surprisingly, while the said claim was being examined in light of the said order passed by this Court in C.W.J.C. No. 1960 of 2012, one order dated 1.10.2012 came to be issued appointing the petitioner as Secretary, Gram Kutchery under the orders of Sarpanch who under the said Rules is not the competent authority for appointment as the same can be done only in accordance with panel prepared and after observing the procedure prescribed under the said Rules of 2007.

4. The said order was issued just 12 days prior to the final



order dated 13.10.2012 passed by the Sub-Divisional Officer upon remand by this Court under the said order dated 29.03.2012 in C.W.J.C. No. 1960 of 2012. Pursuant to the order dated 13.10.2012 passed by the Sub-Divisional Officer, the respondent no. 9 of the instant writ petition has been appointed. His appointment is in accordance with the said Rules of 2007 and from a panel which had been prepared and which was pending consideration as per the said order of the Court.

5. The petitioner cannot be permitted to stake any claim on the strength of the said appointment which was not issued by the competent authority without being empanelled under the said Rules of 2007. The petitioner cannot claim any right on the basis of such appointment, which was contrary to the Rules, 2007.

6. This Court does not consider the petitioner's prayer in the instant writ petition fit for interfering with the order dated 13.10.2012 as the same has been passed in accordance with Rules of 2007 and in compliance of the order of this Court passed in C.W.J.C. No. 1960 of 2012.

7. In view of the aforesaid, the writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.01.2018
Transmission Date	

