

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.299 of 2018

In
Civil Writ Jurisdiction Case No.9843 of 2014

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Nutan Kumari @ Nutan Devi, W/o Arun Kumar R/o Village Jogiya, Ward No. 13, P.O. Jogiya, P.S. Alauli, District Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Munger Division, Munger.
3. The D.M., Khagaria.
4. C.D.P.O., Alauli, District Khagaria.
5. Panchyat Secretary, Panchyatraj, Sahsi, Khagaria.
6. Mukhia, Gram Panchyatraj, Sahsi, Khagaria.
7. Nagma Praveen W/o Rizwan Alam R/o Village Jogiya, Jogiya, Ward No. 13, P.O. Jogiya, P.S. Alauli, District Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha- GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-06-2018

Considering the fact that the post in question was reserved for a minority (Muslim Community Candidate) and prima facie the material available on record establishes that the petitioner was illegally appointed to the said post by connivance of the Mukhiya of the Panchayat concerned, the Collector, Commissioner and the Writ Court have refused to make any indulgence into the matter and in doing so no error has been committed warranting reconsideration or interference.



The contention of the petitioner that the rules have been violated in the matter of appointment or that the Collector or the authority has no power to interfere into the matter is of no consequence now once we are satisfied that the petitioner has been illegally appointed by the Mukhiya contrary to the requirement of the policy for filling up the post by a candidate belonging to a particular category.

The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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