

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1551 of 2018

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Kumar Shekhar, Son of Late Thakur Prasad Sah, Resident of Mohalla- New Colony, Gudarganj, P.O.- Mirjanhat, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administration Department, New Secretariat, Government of Bihar, Patna.
2. Divisional Commissioner, Munger Division, Bhagalpur.
3. District Magistrate, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Adv.
For the Respondent/s	:	Mr. Dhurendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 27-09-2018

Heard learned counsel for the parties.

In this case, the petitioner is challenging the panel prepared for the Class-4 employees.

The basic grievance has been raised that the panel has been prepared de hors to the Bihar Group D (Recruitment and Service Condition) Rule, 2010 where the qualification has been mentioned that the candidate must have 8th Class pass and having knowledge of cycling.

Learned counsel for the petitioner submits that no such condition has been mentioned in the advertisement. The matter with regard to preparation of panel of Class-4 employees came for consideration before this Court in L.P.A. No. 427 of 2013 and the Court, while disposing of the matter, directed for holding a fresh



recruitment process and the person placed in the panel will not have a right to priority or a preferential right on account of their placement in such plane. The appellants will prepare a select list for filling up the vacancies existing on the date of advertisement or the date of calling names from the employment exchange office, whichever procedure the concerned authority opts to follow. A wait list may be prepared which shall not be of more than three percent of the select. The wait list may be operated for a period of one year in case the selected candidate does not accept the offer of appointment. After expiry of the period of one year from the date of the merit list, the same shall expire and shall not be operated further. This order shall replace all the earlier orders.

In pursuance thereof, a fresh recruitment process for emplacement started and, for that, the Collector, Begusarai has issued advertisement and the condition has been mentioned the person must be matriculate and should be physically and mentally fit and having knowledge of cycling and the female candidates were given exemption of the cycling. A panel of candidates has been prepared on the basis of merit. A grievance has been raised by the petitioner that the panel has not been prepared following the guideline prescribing in what manner the panel is to be made.



This Court does not find any deviation from the guideline of the Rule as the recruitment has been made against the vacancy after following the recruitment procedure and, as such, there is no wrong in the advertisement and the panel has a life of one year.

Learned counsel for the petitioner submits that he has filed a representation. If any representation is there, that will be looked into and an order will be passed by the authority concerned within a period of three months from the date of receipt/production of a copy of this order.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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