

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23901 of 2018

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1. Ganesh Kumar Singh Son of Late Ramashreshtha Singh
 2. Rudal Prasad @ Rudal Prasad Sah Son of Late Kureu Sahu @ Late Koiri Prasad Both petitioners No.1 and 2 are Resident at Village-Daiya Kharbair,P.S. Lakhanaur,Distt.-Madhubani
 3. Md. Ataur Rahman Son of Md. Maniruddin Resident at Village Maniyarwa, P.S.- Khajauli, Distt. Madhubani
 4. Binod Kumar Jha Son of Sri Mukund Jha Resident of vilalge Behat, P.s. Jhanjharpur, R.S. Shivir, Distt. Madhubani
 5. Gobind Thakur Son of Sri Ganga Thakur Resident at village Naruar, P.s. Bhairab Ashtan, Distt. Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Madhubani
4. The Deputy Collector, Incharge Establishment, District- Madhubani
5. The Deputy Collector, Incharge, Nazarat, Distt. Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 23917 of 2018

1. Parmeshwar Mandal Son of Sri Saini Mandal Resident of Villagbe-Suklarahi,P.S. Bhairav Asthan,Distt.-Madhubani
2. Jankak Yadav Son of Late Kapleshwar Yadav Resident at Village-Balbhadrapur,P.S. Jhanjharpur,Distt.-Madhubani
3. Sobha Kant Safi Son of Late Misri Lal Safi Resident of Village-Maharail,P.S. Andhara Thadhi,Distt.-Madhubani
4. Ramesh Singh Son of Late Ramdular Singh Resident at Village-Daiya Kharbair,P.S. Lakhanaur,Distt.-Madhubani
5. Ram Shankar Yadav Son of Amal Kishore Yadav Resident at Village Mahadeva,P.S. Phulparas,Distt.-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner,Darbhang Division Darbhanga
3. The District Magistrate,Madhubani
4. The Deputy Collector,Incharge Estabishment,Distt.-Madhubani
5. The Deputy Collector,Incharge,Nazarat,Distt.-Madhubani

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 23901 of 2018)

For the Petitioner/s : Mr.Prabhash Ranjan Thakur

For the State : Mr.Manish Kumar- GP-4

Mr. Ravi Verma, AC to GP 4

(In Civil Writ Jurisdiction Case No. 23917 of 2018)

For the Petitioner/s : Mr.Prabhash Ranjan Thakur

For the State : Mr.Md.Nadim Seraj -GP-5

Mr. Shailesh Kumar, AC to GP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 26-08-2019 Heard the learned counsel for the parties.

The petitioners are rising a grievance against the alleged irregularities in preparation of a panel in the year 2004 for appointment against Class-IV post within the district of Madhubani. It is their grievance that the said panel has not been prepared in accordance with the seniority as per the panel prepared in 1994. The petitioners are relying on a judgment of this Court dated 03.12.2018, passed in CWJC No. 16107 of 2004, which also arises out of Madhubani district, in respect of the same panel. This Court, after taking into account various developments right from preparation of the panel and subsequent filing of the writ applications and contempt case(s) and the stand of the State Government, has held as follows:-

“The affidavit filed on behalf of the District Magistrate clearly indicates that he had obtained guidelines to comply with the orders of the Court. In the light



of the opinion received from the Law Department, the process of regularization/appointment has already been initiated and the process would be completed within a short time.

Learned counsel appearing on behalf of the State submits that the process is afoot and there is very likelihood of the same culminating in an order appointing the petitioners on Class-IV posts.

This Court, therefore, hopes and trusts that the undertaking given by the District Magistrate in the background of the advise of the Law Department and further clearance from the government, the petitioner shall not be left high and dry and the process shall be concluded positively within a period of three months from the date of production/communication of a copy of this order to the concerned respondents.

With the aforesaid observation, the writ petition stands disposed off.”

This matter has been listed under the heading “To Be Mentioned” on a request made by the learned counsel for the petitioners as their cases are squarely covered by the judgment of this Court dated 03.12.2018.



It is easily noticeable from the judgment of this Court dated 03.12.2018, that the judgment is not individual specific and the panel has to be prepared now under the guidelines, which the District Magistrate has obtained from the General Administrative Department, Govt. of Bihar.

The present writ applications have been filed 14 years after preparation of the said panel, the grievance against which is being raised therein. The petitioners cannot claim parity with the petitioners of CWJC No. 16107 of 2004, for the purpose of grant of relief, who had approached this Court in 2004 itself, in view of the Supreme Court's decision in the case of **State of U.P. and others Vs. Arvind Kumar Srivastava and others**, reported in **2015(1) SCC 347**.

Learned counsel for the State has submitted that in the light of the observation made by this Court, a fresh panel is likely to be prepared and if the petitioners' claims are found suitable, the same may be directed to be considered in accordance with law.

It is made clear that any observation made in this order shall not be treated as rejection of their cases on merit and should not come in way, if they are found otherwise entitled to, in implementation of this Court's order dated 03.12.2018,



passed in CWJC No. 16107 of 2004.

The writ applications stand disposed of accordingly.

(Chakradhari Sharan Singh, J)

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