

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6714 of 2015

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1. Madan Ram Son of Late Dahari Ram resident of village Rupchhap PS Bishambharpur Dist. Gopalganj
 2. Bhagirathi Baitha Son of Late Manak Baitha resident of village & PO Sipaya PS Bishambharpur Dist. Gopalganj
 3. Birendra Rai Son of Sheo Nath Rai resident of village & PO Sipaya Farm PS Bishambharpur Dist. Gopalganj
 4. Birbal Baitha Son of Late Manak Baitha resident of village & PO Sipaya PS Bishambharpur Dist. Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad

For the Respondent/s : Mr.Manoj Kumar Sinha, AC to GA9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 30-04-2019 Reply to the counter affidavit is filed. Let it be kept on record.

Heard counsel for the petitioners and counsel for the State.

Counsel for the petitioners at the very outset submits that he is not pressing the relief for quashing of panel dated 16.03.2012 prepared for class IV employees, in view of the fact that petitioners, instead chose to ascertain their right for inclusion in the very same panel.

Exercise was taken for appointment of class IV employees in the office of the State Government in the district



of Gopalganj by advertisement dated 14.06.2001. Many cases were filed by persons who had been working in the office since before. Finally persons having work experience were to be considered in the process of preparation of panel for appointment of class IV employees.

Petitioners, who were working in the Animal Husbandry Department were also applicants claiming benefit of past experience in the matter of preparation of panel.

Admitted position emerging from the pleading is that panel was prepared on 16.03.2012, whereas certification of experience was received in the office of the Collector from Animal Husbandry department where petitioners had worked two days thereafter i.e. on 18.03.2012.

In the said circumstance, this court would observe that petitioners are not at all responsible for delayed communication of experience certificate by Animal Husbandry department to the office of the Collector. If otherwise, petitioners are eligible then their claim can not be excluded on the ground that authorities themselves have submitted experience certificate by delay of two days. The claim of the petitioners, therefore, in the instant case for inclusion in the panel can not be denied by the respondents-authorities having regard to the experience



certificate in respect of the petitioners' service.

It is informed that appointment is still in process.

Writ petition is allowed. Let claim of the petitioners on the basis of experience certificate be examined without raising issue of delay in issuance of the certificate, and final decision for inclusion of their names be taken by the District Magistrate, Gopalganj in accordance with law, expeditiously, without any undue delay and preferably within eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

s.hassan/-

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