

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13647 of 2010

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Ram Prasad Ram S/o Late Mahavir Ram R/O Vill.- Sonapatahi, P.O.- Sarara
(Sonapatahi), P.S.- Babubarhi, Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani
3. The Sub Divisional Officer, Sadar, Madhubani
4. The Circle Officer, Babubarhi, Madhubani
5. The Block Development Officer, Babubarhi, Madhubani
6. Sri Vishwanath Choudhary S/O Not Known The Then Sub Divisional Officer,
Sadar, Madhubani
7. Sri Shambhu Prasad Singh S/O Not Known The Then Circle Officer-Cum-
Block Development Officer, Babubarhi, Madhubani
8. Dinesh Kumar Ram S/O Shobhi Lal Ram R/O Vill.- Sonapatahi, P.O.- Sarara
(SONPATAHI), P.S.- Babubarhi, Distt.- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Jha, Adv.
For the State	:	Mr. Syed Hussain Majeed, Adv.
For the BSSB	:	Mr. S.S. Sundram, Adv., Mr. Shashank Shekhar Jha, Adv.
For the Resp. No.8	:	Mr. Kishore Kr. Thakur, Adv. Mr. Md. Nazir Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-01-2019

Heard learned counsel for the parties.

The matter relates to recruitment and selection to the
post of Vikas Mitra.

The present petitioner and one Dinesh Kumar Ram,
Respondentno.8, had participated for the same post of Vikas Mitra
which is under challenge by the petitioner claiming that he has
better marks than Dinesh Kumar Ram as he has higher percentage
of marks in totality whereas Dinesh Kumar Ram has got lesser



percentage of marks than the petitioner. Learned counsel for the petitioner also submits that the respondent no.8, Dinesh Kumar Ram had not participated even in the counselling.

In order to resolve the dispute of percentage of marks, this Court, with the agreement of the parties, vide order dated 17.7.2018, had sent the mark-sheet of both the persons to the Chairman, Sanskrit Shiksha Board to give a report as to who has secured the higher percentage of marks. The Chairman, Sanskrit Shiksha Board sent his report dated 12.9.2018 under the sealed cover reflecting that the petitioner has secured 50.86% whereas the respondent no.8 has obtained 50.11% of marks. On the face of it, it appears that the petitioner has got better percentage of marks than the respondent no.8.

Inasmuch as, the petitioner has informed this Court that the tenure of engagement of Vikas Mitra has been extended upto the age of 58 years, if that be so, in such circumstances, Dinesh Kumar Ram cannot be allowed to continue on the post of Vikas Mitra and, accordingly, this Court holds that the appointment of Dinesh Ram is wrong, illegal and not sustainable and in his place, the petitioner should be appointed as Vikas Mitra and, accordingly, this Court directs the respondents to appoint the petitioner on the



post of Vikas Mitra in place of Dinesh Kumar Ram and, in consequence, Dinesh Kumar Ram would be removed.

With the aforementioned observation and direction, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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