

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 3426 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 17637 of 2010

1. Sanjeevan Prasad Singh, Son of Rameshwar Mahto, Resident of Village - Saidpur, Post - Tehta, P.S. Makdumpur, District - Jehanabad.
2. Suryakant Kumar Son of Rameshwar Paswan, Resident of Village - Bairamchak, Post - Nadaul, P.S. Mashaurhi, District Patna.
3. Ashok Kumar Son of Sri Binda Paswan Resident of Village - Neema, Post - Goga, P.S. - Muffasil, District - Gaya.
4. Ram Pravesh Prasad Son of Ramjatan Prasad Resident of Village - Sanvat, Post - Goga, P.S. - Muffasil, District - Gaya.
5. Bechan Prasad Son of Late Mahesh Manjhi Resident of Village - Keyanganj, P.O. and P.S. - Majhdumpur, District - Jehanabad.
6. Daya Nand Thakur Son of Late Chandeshwar Thakur Resident of Village - Meera Bigha, Post - Kolanour, Via - Tehta, P.S. - Makhdumpur, District - Jehanabad.
7. Patiram Thakur Son of Late Chandeshwar Thakur Resident of Village - Meera Bigha, Post - Kolanour, Via - Tehta, P.S. - Makhdumpur, District - Jehanabad.
8. Niranjana Kumar Son of Patiram Thakur Resident of Village - Meera Bigha, Post - Kolanour, Via - Tehta, P.S. - Makhdumpur, District - Jehanabad.
9. Raju Kumar Son of Ramjeevan Paswan Resident of Village - Daulatpur, Raja Bazar, Post and P.S. and District - Jehanabad.
10. Birendra Kumar Son of Late Chandrika Paswan Resident of Village - Raja Bazar, Daulatpur, Post and P.S. - District - Jehanabad.
11. Doman Mochi Son of Late Babuchand Mochi Resident of Village - Poleya, P.O. and P.S. - Makhdumpur, District - Jehanabad.
12. Mahendra Prajapati Son of Late Lakhan Pandit Resident of Village - Kayamganj, P.O. and P.S. - Makhdumpur, District - Jehanabad.
13. Tulsi Paswan Son of Late Tanu Paswan Resident of Village and Post - Saista Bagh, P.S. - Ghoshi, District - Jehanabad.
14. Bashikant Kumar Son of Jagdish Paswan Resident of Village - Rajabazar Daulatpur, Post and P.S. and District - Jehanabad.
15. Sanjeev Kumar Son of Shri Chandeshwar Paswan, Resident of Village - Raja Bazar, Daulatpur, Post and P.S. and District - Jehanabad.
16. Surendra Singh Son of Late Madan Singh Resident of Village - Saidpur, Post - Tehta, P.S. Makdumpur, District - Jehanabad.
17. Kareeman Paswan Son of Baidhu Paswan Resident of Village - Kayamganj, P.O. and P.S. - Makhdumpur, District - Jehanabad.
18. Angad Kumar Son of Sri Sudarshan Paswan Resident of Village - Raja Bazar, Daulatpur, Post and P.S. - District - Jehanabad.
19. Ramlal Bihari Paswan Son of Saroj Paswan Resident of Village - Singhaul,



P.O. and P.S. - Belaganj, District - Gaya.

20. Santosh Kumar Son of Premchand Sah Resident of Mohalla - Telbigha, Morchaiya Gali, Gaya, P.O. and P.S. - Gaya, P.S. - Kotwali, District - Gaya.
21. Pappu Kumar Son of Sri Rajendra Prasad Resident of Village - Chhotaki Nawada, P.O. and P.S. - Gaya, P.S. - Dhelha, District - Gaya.
22. Dilip Kumar Son of Dwarika Ram Bangla Sthan Pehai, Post - R.S. - Gaya, P.S. - Kotwali, Gaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Sanjay Agrawal, the District Magistrate, Gaya.
3. Mrs. Bandana Keni, the Commissioner Magadh Division, Gaya.
4. Sri Krishna Kumar Purve, the Civil Surgeon, Gaya.
5. Sri Surendra Chaudhary, the District Malaria Officer, Gaya.

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 935 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 18983 of 2010

1. Ashok Paswan, Son of Ram Nath Paswan Resident of Mohalla - 14 Begashwari Road/ Chhotaki Nawada, P.S. - R.S. Gaya, District - Gaya.
2. Arun Kumar Son of Late Jag Mohan Paswan Resident of Mohalla - Begashwari Road Kali Mandir, P.O. - R.S. Gaya, P.S. - Delha, District - Gaya.
3. Dileep Kumar Paswan Son of Arjun Paswan, Resident of Village - Moma Math, Post - Madenganj, P.S. - Ghashel, District - Jehanabad (Jehanabad).
4. Upendra Paswan Son of Ram Janam Paswan Resident of Village - Moma Math, Post - Madanganj, P.S. - Ghoshi, District -

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Bola Murgandi, the District Magistrate, Gaya.
3. Sri R.K. Khandalwal, the Commissioner, Magadh Division, Gaya.
4. Sri Krishna Bellabh Singh the Civil Surgeon, Gaya.
5. Sri Satya Narayan Singh, the District Malaria Officer, Gaya.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 3426 of 2015)



For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
For the State : Mr. Gyan Prakash Ojha, GA 7
Mr. Uday Shankar Pandey, AC to GA 7
Mr. H. S. Goldie, Advocate
(In Miscellaneous Jurisdiction Case No. 935 of 2014)
For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-07-2019

Heard Mr. Rama Kant Sharma, learned senior counsel
for the petitioners and learned GA 7 for the State.

2. In terms of the order dated 02.07.2019, the District
Magistrate, Gaya is present in Court. He has filed his 6th and 7th
show cause.

3. The application has been filed alleging willful and
disobedience and violation of the order dated 26.07.2012 passed
in CWJC No. 17637 of 2010. The direction of the writ Court were
three fold. Firstly, the District Magistrate, Gaya was to call for a
list from the Civil Surgeon, including those of seasonal workers
which includes DDT Sprayers. Secondly, he had to prepare a
panel and thirdly, to proceed with the appointment.

4. From the materials on record, it appears that such
exercise was required to be completed within six months but
inordinate delay has taken place.

5. However, coming to the merits of the matter, the
District Magistrate, Gaya has shown to the Court specific



statement along with the relevant materials in support thereof which indicate that on 16.03.2018, a panel of 18649 persons was prepared, which includes all such persons who had either made application or whose name had been forwarded by various Departmental Authorities, including the Civil Surgeon, Gaya and the objections were asked. Pursuant thereto, on 22.01.2019, the panel was finalized. Thereafter, finally on 22.07.2019, a list of 145 persons has been prepared which is not a panel and only the list as per the existing 145 vacant posts on which appointments were to be made, which has been finally published and recommended for appointment.

6. The District Magistrate, Gaya has informed the Court that further 260 posts have been identified which are vacant and on which appointment shall also be made from the existing panel of the remaining candidates. The District Magistrate, Gaya had demonstrated before the Court that whatever procedure they have followed, was as per the guidelines of the State Government, which was existing on the date of the order of the writ Court which was subsequently qualified by the order of the Division Bench in LPA No. 1329 of 2013 dated 20.01.2015.

7. Having considered the aforesaid, the Court finds that though belatedly but the present District Magistrate, Gaya has



finally complied with the order of the writ Court. Accordingly, the applications stand disposed off.

8. However, it shall be open to the petitioners to move before the appropriate forum, in accordance with law, if they have any remaining grievance or if in future, their cases are not considered, in accordance with the aforesaid panel prepared dated 22.01.2019.

9. Personal appearance of the officer stands dispensed with.

10. Further, it has been informed by the District Magistrate, Gaya with regard to the list which would be prepared for 260 posts, which are likely to be filled up, objection has been asked till 30th of this month. Thus, if the petitioners so desire, they may also give their objections. The District Magistrate, Gaya has assured the Court that all such objections filed within time shall be duly considered and disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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