

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1323 of 2017

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Shashi Kumar Singh, son of Late Nunu Prasad Singh, resident of Village +
P.O. Rahua Mani, P.S.-Bangaon, Block - Kharu, Sub - Division District -
Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The District Magistrate, Saharsa
4. The Deputy Collector (Establishment), Saharsa
5. The Deputy Collector, Nazarat, Saharsa
6. The Sub Divisional Officer, Saharsa
7. Bhageshwar Yadav, son of Laxmi Prasad Yadav, resident of Aguanpur, P.S. District - Saharsa at Present appointed and Working as Class - IV Post in the Office of Civil Surgeon- cum - Chief Medical Officer, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Md. Nashrul Hoda Khan- Sc1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 21-06-2019

The petitioner is aggrieved by the appointment of private respondent No. 7 on the post of a Class-IV employee as according to his estimation, private respondent No. 7 was junior to him in the panel.

2. The counter affidavit clearly explains that private respondent No. 7 is a person hailing from the backward category and therefore his seniority viz a viz



the petitioner is not required to be reckoned.

3. The petitioner has not been able to show that any person junior to him in the panel, who is in the same category has been appointed. This puts a quietus over the dispute raised by the petitioner.

4. Mr. Jitendra Kumar Roy, learned advocate for the petitioner thereafter drew the attention of this Court to an order passed by this Court on 04.09.2015 in C.W.J.C. No. 12581 of 2007. The aforesaid order directed the respondents to include the name of the petitioner in the panel which was denied by the respondents. Pursuant to the order referred to above, the petitioner was empanelled but was kept down below in the list at serial No. 23K. This aspect was agitated by the petitioner and the department also recommended his case for being considered favourably.

5. No positive direction can be issued to the department for appointment of the petitioner in Class-IV post in the absence of any specific averment that any



person junior to the petitioner has been appointed or that any post remains vacant in Class-IV where the petitioner or others in similar category could be accommodated.

6. This petition, however stands disposed of with the liberty to the petitioner to agitate his claim before the appropriate authority. This Court makes it clear that no direction/observation has been made in this regard by this Court on the merits of the case.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24/06/2019

