

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15595 of 2019

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Mohan Yadav, aged about 33 years, male, Son of Late Gopal Yadav, Resident of Village- Sheikhbara, P.O.- Jindapur, Police Station- Magadh Vishwavidyalaya, Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Deputy Collector, District Establishment, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-08-2019

The petitioner has approached this Court for a direction to the concerned respondent to include his name in the panel which has been prepared for being considered for appointment on Class-IV post in Gaya Collectorate against an advertisement, bearing Advertisement No. 1/2013-14, which was issued pursuant to orders passed by this Court in



C.W.J.C. No. 2964 of 2009 and C.W.J.C. No. 19120 of 2010.

2. The aforesaid advertisement clearly indicates that number of man-days served by a person shall be taken into account for empanelment and in case if two persons having same number of days to their credit are to be considered, the person who is older in age has to be given preference. A panel has been prepared of 219 names, which is claimed to be double the number of posts available and in which panel the name of the petitioner does not figure.

3. Learned counsel for the petitioner has drawn the attention of this Court to the panel wherein the column with respect to the experience of man-days have been left blank. The petitioner, therefore, is not in a position to know the reason for his non-inclusion in the panel. The petitioner is entitled to know why his name has not been included, especially when he has been working on daily wages as a jeep driver in the Block Office of Bodh-Gaya since 2004.

4. Under the aforesaid circumstances, let a representation be filed by the petitioner, within a period of



two weeks from today, before the District Magistrate, Gaya (respondent No. 4), who is the Chairman of the District Establishment Committee which is entrusted with the task of preparation of panel. The petitioner shall lay his grievance before the concerned respondent, who, on receipt of such representation, shall communicate to the petitioner the reason for his non-inclusion. If the claim of the petitioner for being included in the panel is found to be genuine, necessary order including his name in the panel, shall be passed by the concerned respondent within a further period of six weeks of the date of receipt of such representation.

5. It is of utmost necessity to let the petitioner know the reasons for his non-inclusion because if the claim of the petitioner that he is working since 2004 is accepted to be correct, he would be having a number of man-days to his credit and, therefore, unless somebody who has similar number of man-days to his credit and who is older to the petitioner, he cannot be elbowed out.

6. The concerned respondent shall communicate to the petitioner the reasons for his non-inclusion in the



panel. If there is no cogent reason for excluding him, the name of the petitioner shall be included in the panel.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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