

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16013 of 2019

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Durga Choudhary, son of Ramlakhan Choudhary Resident of Village/
Mohalla- Manpur Bazar, Post Office- Lane, P.S. Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Assistant Director (Employment), Sub- Regional Employment Exchange, Gaya.
4. The Deputy Collector, Nazarat, Gaya.
5. The District Welfare Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Prashant Pratap (GP-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-08-2019 The petitioner is aggrieved by non-inclusion of his name in the panel and consequently his not being appointed on Class-IV post.

It has been submitted on behalf of the petitioner that his case is squarely covered by the judgment dated 08.02.2018 passed in C.W.J.C. No. 16567 of 2012 and other analogous cases.

The learned counsel appearing for the State however has submitted that the case of the petitioner is different from the petitioners in the case which has been



cited by the learned counsel for the petitioner in as much as the petitioner had made an application for being included in the panel for his consideration for Class-IV post in the year 2014.

Be that as it may, the petitioner is aggrieved by non-inclusion of his name in the panel and consequently his not being considered for being appointed on Class-IV post. If the petitioner is entitled for being included in the panel from which appointment has to be made, reasons have to be assigned for excluding him from such panel.

The least that the respondent authorities could have done was to dispose of the representation preferred by him earlier, which unfortunately has remained unanswered. This is the reason for the petitioner to approach this Court afresh.

The petitioner is therefore directed to make a suitable representation before the District Magistrate, Gaya (respondent No. 2) within a period of two weeks from today, who, on receipt of such representation shall



have the facts verified, ascertain the entitlement of the petitioner and then pass a reasoned order in accordance with law within a further period of eight weeks thereafter.

It is clarified here that this Court has expressed no opinion on the merits of the claim of the petitioner and it would be for the District Magistrate, Gaya to examine the facts in the light of the judgment/order referred to above and whether petitioner would stand covered by the ratio of the aforesaid judgment/order.

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

(Ashutosh Kumar, J)

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