

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17661 of 2019

1. Harinandan Prasad Mishra Son of Bashisth Mishra Resident of village and P.O.- Chaumukha, P.S.- Yogapatti, District - West Champaran.
2. Niranjan Shukla Son of Late Ramlochan Shukla Resident of village - Matiyriya, P.O.- Harnatand, P.S.- Naurangiya, District- West Champaran.
3. Munna Kumar Rao Son of Late Bhagwat Narayan Rao Resident of village - Dadhwa Bhawanipur, P.O.- Nawalpur, P.s.- Nawalpur, District- West Champaran.
4. Pradeep Singh Son of Late Ramlakhan Singh Resident of village - Nanhkar, P.O. and P.S.- Yogapatti, District- West Champaran.
5. Brahmchari Ramadhar Tiwari Son of Late Pandit Shankar Tiwari Resident of village and P.O.- Bargajwa, P.S.- Shikarpur, District- West Champaran.
6. Rahman Mian Son of Mahmmad Jan Mian Resident of village - Lakhan Fore, P.O.- Meghwal Mathia, P.s.- Ramnagar, District- West Champaran.
7. Jamir Ahmad Ansari Son of Mahmmad Ibrahim Mian Resident of village - Kadamwa, P.O.- Sundargaon, P.s.- Gopalpur, District- West Champaran.
8. Bechan Kazi Son of Vishwanath Kazi Resident of village - Dhuraulii Tola Panchphorwa, P.O. and P.S.- Naurangia, District- West Champaran.
9. Pravin Prasad Son of Late tulsii Ram Resident of village - Dhurauli Tola Panchphorwa, P.O. and P.S.- Naurangia, District- West Champaran.
10. Krishnandan Prasad Son of Chandrika Singh Resident of village and P.O.- Kaila, P.S.- Arupma, District- Nalanda.
11. Kanhaiya Prasad Son of Rajbansh Prasad Resident of village - Kurwa, P.O.- Goithpa Askasi, P.S.- Sasaram, District- Rohtas.
12. Jagu Ram Son of Daulat Ram Resident of village - Sat Sahu, P.O.- Balyari, P.s.- Kochas, District- Rohtas.
13. Sri Narayan Prasad Son of Ram Krit Prasad Resident of village and P.O.- Adhhara, P.s.- Nokha, District- Rohtas.
14. Rajesh Kumar Son of Gupal Prasad Resident of village and P.O. and P.S. - Irari, District - Buxar.
15. Jumrati Mohammad Son of Safdar Mian Resident of village and P.O.- Purana Bhojpur, P.s.- Dumraon, District- Buxar.
16. Laxman Prasad Yadav Son of Bibi Lal Yadav Resident of village and P.O. and P.S.- Saraigarh, District- Supaul.
17. Indra Kumar Pandit Son of Dukhi Pandit Resident of village and P.O. - Lalmaniya, P.s.- Marauna, District- Supaul.
18. Jitendra Singh Son of Maksudan Singh Resident of village - Shiv Nagar, P.O.- Nirmali, P.s. - Basantpur, District- Supaul.
19. Umesh Kumar Yadav Son of Budhi Lal Yadav Resident of village and P.O.- Harhara, P.S.- Raghobpur, District- Supaul.

... .. Petitioners

Versus



1. The State of Bihar Through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director Panchayati Raj, Government of Bihar, Patna.
4. The District Panchayati Raj officer, West Champaran at Bettiah.
5. The District Panchayati Raj Officer Arwal.
6. The District Panchayati Raj Officer Nalanda.
7. The District Panchayati Raj Officer Rohtas.
8. The District Panchayati Raj Officer Buxar.
9. The District Panchayati Raj Officer Supaul.
10. The District Magistrate West Champaran at Bettiah.
11. The District Magistrate Arwal.
12. The District Magistrate Nalanda.
13. The District Magistrate Rohtas.
14. The District Magistrate Buxar.
15. The District Magistrate Supaul.

.. ... Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent State: Mr. Ravindra Kumar, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-10-2019 The petitioners are seeking following reliefs : -

“That the petitioners above-named pray for issuance of a writ preferably in the nature of Mandamus commanding and directing the respondents concerned to appoint the petitioners on the post of Panchayat Sachiv/Secretary for which they are entitled to being Dalpati in view of policy decision of the respondent State. And/or any other relief or reliefs, writ/writs, order/orders, direction/directions, for which the petitioners are found entitled in the facts and circumstances of this case.”

Similar matter had come up for adjudication before



this Court in case of ***Indrajit Sahni and Others vs. The State of Bihar and Others*** (C.W.J.C. No. 18236 of 2019). The said writ application was dismissed by an order dated 06.09.2019, taking into account the Division Bench decision of this Court in case of ***State of Bihar and Others Vs. Subhash Chandra Shukla and Others***, reported in **2009(4) PLJR 569**, and Rule 4 of Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011, sub-rule (1) whereof provides that there shall be cent-percent direct appointment to the post of Gram Panchayat Secretary.

In view of the said decision of this Court in case of ***Indrajit Sahni and Others*** (supra), the relief, which the petitioners are seeking, cannot granted.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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