

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8453 of 2014

Subodh Kumar Son of Surendra Singh, resident of village- Ratnaur, P.O.-
Pouthu, P.S.- Jamhare, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
 2. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Patna
 3. The District Magistrate, Aurangabad
 4. The District Panchayati Raj Officer, Aurangabad
 5. The Block Development Officer, Barun, District- Aurangabad
 6. The Sarpanch, Gram Katchahari, Gram Panchayati Raj, Pouthu, Block- Barun, District- Aurangabad
 7. Devendra Kumar Trivedi, son of Respondent/s
-

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the State	:	Mr.Apurva Kumar, AC to GA 4
For the Private Resp.	:	Mr. Pramod Mishra, Advocate Mr. Suraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-01-2019

Heard counsel for the petitioner and the respondent State.

Petitioner has challenged the letter dated 02.07.2009 whereby the Sarpanch of Gram Katchahari Pouthu, Block Barun District Aurangabad has cancelled the appointment of the petitioner on the post of Gram Katchahari Sachiv (Secretary) made in the year 2007.

It is submitted that without issuing any show cause or without conducting any enquiry, appointment of the petitioner has been cancelled.

The respondents have filed their counter affidavit. The specific stand of the respondents is that the private respondent no. 7 being of higher merit was ignored in the process of selection and the petitioner was appointed though he was lower



in merit. The higher merit of the respondent no. 7 was ignored in view of the fact that he raised his claim on Madhyama certificate. The validity of Madhyama certificate was subsequently upheld and a departmental order dated 02.03.2009 was issued whereby and where under the candidature of applicants based on Madhyama was required to be considered if their claim had been left out/ignored and they have made their claim on or before 01.03.2008. Pursuant thereto the impugned action has been taken by the Sarpanch of Gram Katchahari Pouthu, Block Barun District Aurangabad.

The copy of the counter affidavit has been served on the petitioner in August, 2015. Till date no rejoinder or reply has been filed. Apart from that the departmental instruction relying upon which the Sarpanch of Gram Katchahari Pouthu taken the action, has never been challenged by the petitioner. Having failed to challenge the departmental instruction dated 02.03.2009, petitioner cannot be permitted to assail the action pursuant thereto.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

