

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1476 of 2016

In

Civil Writ Jurisdiction Case No.20808 of 2014

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Dharamveer Kumar, son of Saryug Paswan, resident of village-Kalyanpur,
Ward No.20, P.S and Dist. Jamui.

... .. Appellant

Versus

1. The State of Bihar through District Magistrate, Jamui.
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Principal Secretary, General Administration Department, Government of Bihar, Patna,
4. Divisional Commissioner, Munger Division, Munger,
5. District Magistrate, Jamui,
6. District Program Officer (Establishment), Jamui

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Krishna Kumar Singh, A.C. to G.P.-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 14-10-2019

Heard learned counsel for the appellant and learned
counsel for the State.

2. This matter relates to appointment of class-IV



employees. The appellant belongs to scheduled caste community, is engaged from time to time as daily wager. A panel was prepared in the year 2003 but, on account of ban imposed by the State Government, appointment from that panel could not be made. A writ petition being C.W.J.C. No. 15190 of 2004 was filed, the same was disposed of on 04.07.2005. When the said order was not implemented, two contempt petitions vide M.J.C. Nos. 2950 of 2012 and 3060 of 2012 were filed and this Court passed a common order dated 16.10.2012 in both the contempt petitions, thereby directed the respondent authorities to prepare a fresh panel in light of Circular dated 25.04.1997 and those who are in the panel of 2003 should be given preference. In pursuance thereof, an advertisement was published on 21.10.2012 and one of the clauses of the advertisement stipulates grant of preference as per the order passed in M.J.C. Nos. 2950 of 2012 and 3060 of 2012. Accordingly, a panel was prepared but, the name of the appellant, who is standing at serial no.104 in 2003 panel, has been shifted to serial no.256 and again shifted to serial no.351.

3. Grievance has been raised that in view of the orders passed in the contempt petitions as well as in terms of the advertisement, the appellant was required to give preference



while preparing the panel in the matter of absorption as class-IV employee, but the same has been prepared on the basis of age of the candidates i.e. the person having higher age would get preference over younger person. It has further been submitted that still the District Administration are appointing the persons from the panel prepared in the year 2012 and it has gone upto serial no.339 and the name of the appellant is standing at serial no.351 in the said panel. It has further been submitted that some posts are still vacant but, in the objection (Annexure - 9 to the writ petition) the appellant has not pointed out any irregularity in the matter of preparation of panel.

4. In such view of the matter, the appellant is given liberty to approach the District Magistrate, Jamui, and point out the irregularities in the preparation of panel by filing appropriate application. If such an application is filed, the District Magistrate, Jamui, will look into the matter and if class-IV posts are still vacant and the appellant comes under the zone of consideration, his case will also be considered for absorption as Class-IV employee.

5. With the aforesaid observations and directions, this Letters Patent Appeal is disposed of. Accordingly, the order



dated 22.06.2016 passed in C.W.J.C. No.20808 of 2014 is set aside.

(Shivaji Pandey, J)

(Partha Sarthy, J)

pawan/-

AFR/NAFR	N.A.F.R.
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