

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18070 of 2019

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Ramji Prasad Shrivastav @ Ramji Prasad Son of Late Gonaur Prasad
Resident of Village and P.O.-Barharwa Fateh mohammad, P.S.-Kundwa
Chainpur, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
2. The Commissioner Tirhut Division, Muzaffarpur
3. The District Selection Committee (Group D) East Champaran through its Chairman-cum-District Magistrate, East Champaran
4. The District Magistrate East Champaran at Motihari
5. The Deputy Development Commissioner East Champaran at Motihari
6. The Additional Collector East Champaran at Motihari
7. The Deputy Collector (Establishment) East Champaran at Motihari
8. The Deputy Collector (Nazarat) East Champaran at Motihari
9. The District Welfare Officer East Champaran at Motihari
10. The District Employment Officer East Champaran at Motihari
11. The Treasury Officer East Champaran at Motihari
12. The Circle Officer Dhaka, East Champaran

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17070 of 2019

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Praveen Kumar Son of Lakhendra Paswan Resident of Village- Rampur
Nagar, P.O.- Brahmapura, P.S. Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director, Regional Forensic Laboratory, Muzaffarpur, Bihar.
3. The A.D.G., Crime Investigation Department, Government of Bihar, Patna.
4. The Director, Bihar State Forensic Science Laboratory, Government of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18148 of 2019



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Kailash Tanti Son of Late Ravi Tanti @ Rabbi Tanti Resident of Village-
Mahishi, P.O. and P.S.- Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary, Labour Employment and Training Department, Government of Bihar, Patna.
2. Collector Saharsa.
3. Deputy Development Commissioner Saharsa.
4. Additional Collector Saharsa.
5. Deputy Collector, Establishment Saharsa.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 18443 of 2019

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Ashutosh Kumar Sinha Son of Ram Chandra Prasad Sinha, Resident of
Chitragupta Nagar, Kayastha Tola, Ward No. 29, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Personnel and Administrative Department, Patna.
2. The District Collector, Saharsa.
3. The Deputy Collector, Establishment, Saharsa.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18070 of 2019)

For the Petitioner/s : Mr.Sunil Kumar
For the State : Mr.Md. Nadim Seraj (Gp 5)
Mr. Dhurendra Kumar, AC to GP-5

(In Civil Writ Jurisdiction Case No. 17070 of 2019)

For the Petitioner/s : Mr.Anil Kumar Mukund, Adv.
Mr. Anirudh Pandey, Adv.
Mr. Purnendu Keshar, Adv.

For the Respondent/s : Mr.Manish Kumar (Gp4)

(In Civil Writ Jurisdiction Case No. 18148 of 2019)

For the Petitioner/s : Mr.Anil Kumar Mukund, Adv.
Mr. Anirudh Pandey, Adv.
Mr. Purnendu Keshar, Adv.

For the Respondent/s : Mr. Manoj Kumar, AC to GP-24

(In Civil Writ Jurisdiction Case No. 18443 of 2019)

For the Petitioner/s : Mr.Anil Kumar Mukund, Adv.
Mr. Anirudh Pandey, Adv.
Mr. Purnendu Keshar, Adv.
For the State : Mr.Md. N.H. Khan (Sc1)



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 18-12-2019

A judgment has been delivered today by me in CWJC No.18182/2019 and other analogous cases which related to appointments against Class-IV posts in the Collectorate of Gaya and its attached offices in the district. On perusal of the advertisement issued on 13.03.2013, which has been brought on record by way of Annexure-4 to the writ application, inviting applications from candidates for filling up Class-IV posts, it is evident that the controversy in hand is squarely covered by the said judgment.

These writ applications are accordingly disposed of in terms of the said judgment and order dated 18.12.2019 passed in CWJC No.18182 of 2019 (**Kapil Kumar Vs. State of Bihar & Ors.**) and other analogous cases. Consequently the Sub-clause (iii), (iv), (v), (vi) and (vii) of the advertisement dated 13.03.2013 (Annexure-4), are declared to be illegal and constitutionally invalid, in teeth of Articles 14 and 16 of the Constitution of India, and are, therefore, struck down. The respondents are directed proceed to adopt a fair process of selection on the basis of applications received pursuant to the said advertisement, by holding a written examination. The observations and directions



issued by this Court in case of **Kapil Kumar** (Supra) shall be applied *mutatis mutandis* in the present case.

If same is the practice being followed, as was being followed in the districts of Gaya and East Champaran, in other districts, the State Government will have to ensure that the selections are made strictly in accordance with law and the rules and in the light of the observations made by this Court in case of **Kapil Kumar vs. State of Bihar** (Supra), through out the State of Bihar. The respondents are restrained from adopting any other method of selection and appointment against Class-IV posts in question in the Collectorates and its attached offices, in violation of the statutory rules and Articles 14 and 16 of the Constitution of India.

With the aforesaid observation, the applications are disposed of.

(Chakradhari Sharan Singh, J.)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2019
Transmission Date	NA

