

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24184 of 2018**

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1. Rameshwar Paswan Son of Late Rupu Ram Resident of Village-Karmdih, P.S.-Barun, District-Aurangabad.
  2. Rampatti Ram Son of Bhutali Ram Resident of Village-Karmdih, P.S. Barun, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administration, Government of Bihar, Patna.
2. The Principal Secretary General Administration Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The Chief Engineer, Irrigation Department Aurangabad.
6. The Executive Engineer, Building Division Aurangabad.
7. The Rural Engineering, Organization, Work Division, Aurangabad

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate  
For the Respondent/s : Mr. Manoj Kumar AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      10-06-2019                      The petitioners in the present case are seeking a direction to the respondent authorities to appoint the petitioners as 4<sup>th</sup> Grade employees from the panel prepared in the year 2013 in the district of Aurangabad.

It is the case of the petitioners that their names appear in the revised merit list at serial no. 6308 and 6341 respectively which was published by the respondents in the year 2013. An extract of the merit list has been enclosed as Annexure '1' to the writ application to demonstrate that these petitioners are there in



the merit list. In paragraph 8 of the writ application it is stated that the respondents started appointing the candidates from the said merit list and in the process the candidates who are placed below the petitioners in the panel have been appointed ignoring the candidature of the petitioners. In this regard learned counsel for the petitioners submits that the petitioners have made similar representations as having been made by others, copies of which are enclosed as Annexure- '2' series to the writ application. It is submitted that inadvertently the copies of the representations of the petitioners have not been enclosed and by mistake the copy of the representation of others have been enclosed. It is, thus, submitted that the petitioners will make a fresh representation if so required.

Learned counsel for the petitioners has pointed out from the order dated 02.12.2008 passed in C.W.J.C. No. 6640 of 2007 that in the said case a learned co-ordinate Bench of this Court had been pleased to direct the District Magistrate to issue the advertisement and complete the process of recruitment in larger interest of administration without any delay, preferably within six months but even though the advertisement was issued, the process has not been completed so far. In this regard the petitioners have also placed on record a copy of the



order dated 15.03.2018 passed in C.W.J.C. No. 3282 of 2018 to submit that in similar circumstance another learned co-ordinate Bench of this Court has been pleased to direct the District Magistrate, Aurangabad to consider the case of the petitioners of the said case for appointment on Class IV Posts. A prayer has been made to pass order in the present case in the similar terms to that of the order date 15.03.2018 passed in C.W.J.C. No. 3282 of 2018.

On the other hand, learned counsel for the State has opposed the writ application. It is submitted that the panel prepared in the year 2013 has lost its validity after expiry and so far as his instruction shows, no person junior to the petitioners has been appointed.

Having heard learned counsel for the petitioners and learned counsel for the State, this Court is of the considered opinion that the District Magistrate, Aurangabad should consider the grievance of the petitioners keeping in mind the submission advanced in this case that the persons below in the merit list to the petitioners have been appointed.

This Court is of the opinion that in case any person placed below in the merit list has been appointed, the candidature of the petitioners would be liable to be considered.



This Court, therefore, without entering into the merit of the submissions, at this stage, directs the District Magistrate, Aurangabad to consider the representations of the petitioners and pass a reasoned order thereon in the light of discussions made hereinabove. In case the petitioners are found fit for appointment, they should be appointed without further delay. However, in case the petitioners are not found entitled for appointment, the reasons thereof must be provided.

Let the whole exercise be completed within a period of two months from the date of receipts/production of a copy of this order.

**(Rajeev Ranjan Prasad, J)**

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