

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20347 of 2019

1. Raj Kumar Raut, Son of Late Janak Raut, resident of village- Laxmipur Bari Tola, P.O.- Dhamaura, P.S.- Sathi, District- West Champaran.
2. Shivnarayan Prasad Kushwaha, Son of Late Kailash Prasad, resident of village- Pokhariya, P.O.- Mangrahri, P.S.- Shikarpur, District- West Champaran.
3. Nagendra Chaudhary, Son of Sri Rudal Chaudhary, resident of Village and P.O.- Nawalpur, P.S.- Nawalpur, District- West Champaran.
4. Rama Kant Kushwaha, Son of Late Sitaram Kushwaha, resident of village- Dakhawa, P.O.- Murli, P.S.- Shikarpur, District- West Champaran.
5. Santosh Kumar Pandey, Son of Rama Kant Pandey, resident of village- Sugauli Tola Bisti, P.O.- Sugauli, P.S.- Shikarpur, District- West Champaran.
6. Dinanath Chaudhary, Son of Late Jagdish Chaudhary, resident of village - Pakri, P.O.- Nawalpur, P.S.- Bathuriya, District- West Champaran.
7. Umeshwar Prasad, Son of Late Mankeshwar Prasad, resident of village- Sona Sati, P.O.- Rajpur Madan, P.S.- Shikarpur, District- West Champaran.
8. Awadh Kishor Tiwary, Son of Late Bachcha Tiwary, resident of village- Belwan, P.O.- Dhobani, P.S.- Lauriya, District- West Champaran.
9. Mani Bhushan Mishra, Son of Late Vishwanath Mishra, resident of village- Daliyan, P.O.- Parsauna, P.S.- Sathi, District- West Champaran.
10. Chandeshwar Padney, Son of Late Raghunath Pandey, resident of village- Hingulahar, P.O.- Bheriharwa, P.S.- Sathi, District- West Champaran.

... .. 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 Magistrate, West Champaran at Bettiah.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar
For the Respondent/s : Mr. P. N. Shahi (Aag6)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-11-2019 The petitioners claim that they are working as

Dalpatis and they deserve to be appointed as Panchayat



Sachiv/Secretary in terms of policy decision of the State Government. They are also seeking a direction for payment of arrears of honorarium for the work they had discharged as Dalpatis.

2. A counter affidavit has been filed on behalf of the State respondents. It has been stated that a decision was taken to fill-up five posts of Panchayat Secretaries from Dalpatis in 1998. It has, however, been stated in paragraph 7 of the counter affidavit that no post was decided to fill up in the district of West Champaran from amongst Dalpatis as there was no post of Panchayat Secretary vacant, which could be filled up from amongst Dalpatis, in the district of West Champaran.

3. It, however, transpires that rules have been framed by the State Government in exercise of power under Section 146 of the Bihar Gram Panchayat Raj Act, 2006, namely, Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011, Rule 4 thereof deals with appointment to the post of Gram Panchayat Secretary. Sub-Rule (6) of Rule 4 provides that such Dalpatis, who possess requisite qualification, but do not have eligibility to participate in the open competitive examination to be held by the Bihar Staff Selection Commission due to expiry of upper age limit, and, if, they attain this



eligibility on grant of condonation of age by the Government/Department, then they can be granted age relaxation in accordance with rules, so that they may take part in the competitive examination. It is clearly mentioned in sub-Rule (6) that for being appointed as Panchayat Secretary, they will have to succeed in open competitive examination and will not get any priority or weightage in the competitive examination on account of being Dalpati. It unambiguously mentions that they will have to appear in the competitive examination like other candidates and if they match others in the merit list then only their names could be recommended on that post by the Commission.

4. For the benefit of quick reference, sub-Rule (6) of Rule 4 is reproduced hereinbelow :-

“(6) Such Dalpatis, who possess of requisite qualification, but don't have eligibility to participate in the open competitive examination to be held by the Commission due to expiry of upper age limit, and, if, they attain this eligibility on grant of condonation of age by the Government/Department, then they can be granted age relaxation in accordance with rules, so that they can take part in the competitive examination, but they will have to succeed in the open competitive examination. They will not get any priority or weightage in the competitive examination on account of being Dalpati. They will have to appear in the competitive examination like other candidates and if they get a place in the merit list then only their names shall be



recommended on that basis by the Commission.”

5. In view of clear language of sub-Rule (6) of Rule 4 of the Rules, in my view, the relief of the petitioners, seeking direction to the respondents to allow them to be appointed on the post of Panchayat Secretary by virtue of working as Dalpatis, is completely misconceived.

6. This application is dismissed to the extent above.

7. So far as payment of arrears of honorarium is concerned, they shall be at liberty to approach the competent authority by making a representation, which shall be considered and disposed of expeditiously in accordance with law.

8. This disposes of this application.

(Chakradhari Sharan Singh, J)

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