

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13314 of 2018

1. Tarkeshwar Prasad Yadav @ Tarkeshwar Prasad son of Late Raghuni Prasad Yadav resident of village and P.O. Mokna, P.S. Bihra, District Saharsa.
2. Umesh Prasad Yadav son of Karam Chand Yadav resident of village Dumma, P.O. and P.S. Bihra, District Saharsa.
3. Bijendra Yadav son of Shambhu Yadav resident of village Gobargarha, P.O. Nandlali, P.S. and District Saharsa.
4. Uriya Devi wife of Sahab Sah resident of village and P.O. Ekarh, P.S. Nauhatta, District Saharsa.
5. Laxmi Ram son of Late Gunni Ram
6. Ramesh Kumar Choudhary @ Ramesh Choudhary son of Bidya Nand Choudhary Both residents of village and P.O. Nandlali, P.S. Bihra, District Saharsa.
7. Devendra Yadav son of Munga Lal Yadav Resident of Village Khadipur, P.S. Bihra, District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department, Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Collector, Establishment, Collectorate, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad- Sc8

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-05-2019 Matter has been listed today in the summer vacations

as learned counsel for the petitioners was desirous for

consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated
08th May, 2019, published prior to the vacation.



The matter is, accordingly, taken up for consideration as both parties are present and willing to assist the court for disposal of the matter.

Heard counsel for the petitioners and counsel for the respondents-State.

It is submitted by counsel for petitioners that the petitioners having been covered by the 2006 advertisement cannot be imposed with requirement of higher qualification in the matter of appointment to class IV post. Petitioners' counsel further submits that the case of Ram Chandra Pandit & others decided in CWJC no. 17958/2014 squarely covers the case of petitioners. Matter was finally put to rest under order dated 26.09.2018 passed in MJC no. 2778/2017. He submits that he would be approaching respondent no.4 for consideration on the basis of his 8th pass qualification placing reliance on the judgment taken note hereinabove in case of Ram Chandra Pandit & others.

In view of said submissions, since matter has to be considered by respondent no.4, keeping this proceeding pending will serve no useful purpose. Petitioners are, therefore, granted liberty to approach respondent no.4 for their claim by making detailed representation on the basis of judgment taken note



hereinabove.

It is submitted that representation will be made within four weeks. In the event same is done, it is needless to say that respondent no.4 (The District Magistrate, Saharsa) would be obliged to consider the petitioners' claim and if same is found covered by the judgment relied upon by the petitioners, same benefit may be extended to the petitioners. Otherwise claim of the petitioners should be disposed off by reasoned and speaking order in accordance with law within a period of eight weeks thereafter.

Writ petition stands disposed off.

(Madhuresh Prasad, J)

s.hassan/-

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