

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24830 of 2018

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Chandra Kala Devi W/o Rajendra Ram Resident of Mohalla- Naya Bazaar,
P.O.P.S. and District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, General Administration Department, Bihar, Old Secretariat, Patna
3. The Divisional Commissioner, Koshi Division, Saharsa
4. The District Magistrate, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Nibash Prasad
		Mr. Mukesh Kumar
For the Respondent/s	:	Mr.Manish Kumar- Gp4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-05-2019 Learned counsel for the petitioner 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 petitioner and counsel for the respondents-State.

It is submitted by counsel for petitioner that the petitioner having been covered by the 2006 advertisement cannot be imposed with requirement of higher qualification in



the matter of appointment to class IV post. Petitioner's counsel further submits that the case of Ram Chandra Pandit & others decided in CWJC no. 17958/2014 squarely covers the case of petitioner. 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. Petitioner is, therefore, granted liberty to approach respondent no.4 for his 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 petitioner's claim and if same is found covered by the judgment relied upon by the petitioner, same benefit may be extended to the petitioner. Otherwise claim of the petitioner 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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