

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.332 of 2021

In

Civil Writ Jurisdiction Case No.23083 of 2018

-
-
1. Saroj Kumar Son of Bhola Yadav Resident of Village - Bishunbandh, P.S. - Deo, District- Aurangabad.
 2. Santi Kumar Singh Son of Late Ram Dayal Singh Resident of Village - Gangati, P.S. and District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The Deputy Development Commissioner, Aurangabad.
6. The Deputy Development Commissioner (Establishment) Aurangabad.
7. The Director DRDA, Aurangabad.
8. The District Welfare Officer, Aurangabad.
9. The Additional Election Officer, Aurangabad.
10. The Senior Deputy Collector, Aurangabad.
11. Ramanuj Yadav Son of Sudarshan Yadav Resident of Village - Munshi Bigha, P.S. and District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma (AAG-3)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 08-12-2021

The present appeal has been filed against the order dated 15.03.2021 passed by the learned Single Judge of this Court in CWJC No. 23083 of 2018.

The case in hand relates to appointment of class-IV employee in Aurangabad District and it has been contended by the learned Senior counsel for the appellants Shri Ramakant Sharma that though 62 vacancies are available yet the respondents have



not considered the case of the petitioners for appointment on the ground that the life of the panel has expired.

Per contra, the learned counsel for the respondent-State has submitted that in pursuance of Advertisement No. 01/2019 issued for preparation of panel for making appointments on class-IV posts, applications were received from candidates and a panel was prepared pursuant to the directions issued by the General Administration Department, Government of Bihar, Patna vide letter dated 29.06.2011. The period of panel was fixed with effect from 05.07.2011 to 04.07.2012, whereafter altogether 103 appointments were made in different stages from the said panel. Thereafter in pursuance to the orders of this Court passed in CWJC No. 11798 of 2011 (DDT Chhirkao Kramchari Sangh & Anr. vs. The State of Bihar & Ors.) as also pursuant to the orders passed in CWJC No. 1409 of 2012, a second panel was prepared emanating from the same Advertisement No. 1 of 2009, period whereof was fixed with effect from 27.04.2013 to 27.04.2014 and appointments of 220 eligible candidates were made on 03.01.2015, however, the life of the said panel got exhausted in the meantime on 27.04.2014. Thereafter, another writ petition bearing CWJC No. 8879 of 2014 and other analogous cases are stated to have been filed before this Court for filling up the remaining vacant class-IV posts under Aurangabad Collectorate



and the learned Single Judge of this Court had directed the District Magistrate, Aurangabad to consider the grievances of the said writ petitioners and take appropriate steps. The District Magistrate, Aurangabad had then initiated a proceeding vide Class-IV Appointment Appeal No. 29 of 2015 and had come to a conclusion that since the life of the panel had expired on 27.04.2014 and the same cannot be extended, no further appointments can be made. In such view of the matter, the said Appeal Case No. 29 of 2015 was dismissed vide order dated 20.11.2015. It is also submitted by the Ld. Counsel for the respondent-State that thereafter yet another writ petition bearing CWJC No. 14866 of 2016 (Sanjay Kumar vs. State of Bihar & Ors.) was filed and a learned Single Judge of this Court had vide order dated 20.07.2017 quashed the decision of the District Level Class-IV posts. Thereafter, a meeting of the selection committee was convened on 31.03.2018 in which selection of 178 qualified candidates were recommended for appointment on class-IV posts on the basis of the available vacancy, however, it was cautiously also decided that in future no further appointment would be made from the panel in question, Finally, it has been submitted that the names of the appellant herein find place below those who have been appointed in their respective categories, hence their claim is not tenable in the eyes of law.



We have heard the learned counsel for the parties and gone through the materials on record and we find that selection process of the year 2009 cannot be continued in perpetuity and moreover the life of the panel in question cannot be in infinity. We also find that it is a well settled law that subsequent vacancies cannot be made part of an old selection process. Moreover, the selection criteria and other parameters for making appointment have undergone a substantial change, thus at this belated juncture no directions can be issued for making appointments from a panel, life whereof has already stood expired, pertaining to an advertisement of the year 2009.

We do not find any infirmity in the order of the learned Single Judge, hence the present appeal stands dismissed.

(Rajan Gupta, J)

Mohit Kumar Shah, J :- I agree.

S.Sb/-

(Mohit Kumar Shah, J)

AFR/NAFR	
CAV DATE	30.11.2021
Uploading Date	08.12.2021
Transmission Date	

