

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15735 of 2018

=====

Lalit Kumar Mishra, Son of Late Kali Mishra, resident of Village & P.O.-
Sultanganj Dhwajagali, District- Bhagalpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, General Administration Department, Old Secretariat,
Government of Bihar, Patna
3. Commissioner, Bhagalpur Division, Bhagalpur.
4. District Magistrate, Bhagalpur.
5. Deputy Collector, Establishment, Bhagalpur, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad -Sc8

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-03-2021

Heard learned counsel for the petitioner and the respondents.

2. This is the second round of litigation. Earlier the petitioner approached this Court by filing C.W.J.C. No. 8100 of 2018. The writ petition was disposed of vide order dated 04.05.2018 with a direction to the petitioner to file a representation regarding his grievances and on filing of such representation the respondent no.4 was directed to appropriately decide the representation. The representation of the petitioner was rejected by the District Magistrate, Bhagalpur (Annexure-11).



3. From the order impugned, it appears that the claim of the petitioner was rejected on the ground that there was no specific direction in C.W.J.C. No. 8100 of 2018 like the petitioner in C.W.J.C. No. 20128 of 2011. There is no dispute that Md. Shoaib Jang Khan was junior to the petitioner on account of date of birth. The petitioner's date of birth is 17.01.1978 whereas the date of birth of Md. Shoaib Jang Khan is 04.02.1981, but in the case of Md. Shoaib Jang Khan there was specific direction by the Court in C.W.J.C. No. 20128 of 2011 to include the name of Md. Shoaib Jang Khan in the panel and that is why the name of Md. Shoaib Jang Khan was included in the panel and appointment was also made.

4. There is no denial of the fact that petitioner's case is identical to the case of Md. Shoaib Jang Khan. There is also no dispute that the modality of preparation of panel is date of birth and on that score the petitioner was senior to Md. Shoaib Jang Khan.

5. Since the writ Court while disposing of C.W.J.C. No. 8100 of 2018 has not issued specific direction, therefore, the Collector, Bhagalpur without appreciating the totality of the facts situation rejected the claim of the petitioner.



6. In the aforesaid backdrop, the order as contained in Annexure-11 is hereby quashed. The respondent Collector, Bhagalpur is directed to examine afresh the claim of the petitioner and if it is found that the date of birth of the petitioner is 17.01.1978 and the date of birth of Md. Shoaib Jang Khan is 04.02.1981 and as per the prevalent norms the petitioner was senior to Md. Shoaib Jang Khan then in that situation the respondents have to adopt corrective measures by including the name of the petitioner in the panel and also for appointment of the petitioner in the similar manner that of Md. Shoaib Jang Khan.

7. Entire exercise in this regard must be completed by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2021
Transmission Date	NA

