

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1533 of 2019

In

Civil Writ Jurisdiction Case No.17666 of 2019

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1. Chandra Kishor Prasad Son of Late Mahendra Prasad, resident of Village and Post Horil Chhapra, P.S. Shahpur, Dist. Bhojpur (Ara).
 2. Dashai Ram, Son of Ramnath Ram, resident of Village and P.O.- Navada Ben, P.S. Udwant Nagar, District- Bhojpur (Ara).
 3. Sri Nivas Ram, Son of Bhoda Ram, resident of Village and P.O.- Veerpur, P.S. Shahpur, District- Bhojpur (Ara).
 4. Jagdish Prasad, Son of Late Ram Janam Ram, resident of Village and P.O.- Sarana, P.S. Shahpur, District- Bhojpur (Ara).

... Petitioners ... Appellant/s

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.

... Respondents ... Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Date : 05-07-2021

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 23.10.2019

passed in C.W.J.C. No.17666 of 2019 passed by learned Single

Judge of this Hon'ble Court dismissing the writ petition, the

appellants have preferred this LPA.

Writ petitioners, who are working on the post of Dalpaties, have filed this petition for directing respondents to appoint them on the post of Panchayat Secretary by way of promotion against 531 posts advertised by Bihar Public Service Commission for appointment on the post of Panchayat Secretary. It is further submitted that State government had taken a policy decision to appoint Dalpaties as Panchayat Secretary for which seniority list of Dalpaties was prepared district-wise but in the present advertisement, Panchayat Secretaries are to be appointed through a written examination in which, eligibility is Intermediate and Dalpaties have been given age relaxation to appear in the examination.

The learned Single Judge has held that under the new Rules framed by the State Government for appointment on the post of Panchayat Sachiv, there is no provision for appointment of Dalpaties on the post of Panchayat Secretary by way of promotion but same is open to all eligible candidates and education qualification is Intermediate and, as such, no direction can be issued to the State Government to appoint petitioners, who are working as Dalpaties, on the post of Panchayat Secretary.

The relevant part of the order is reproduced
hereinbelow:-

“Similar matter had come up for adjudication before this Court in case of **Indrajit Sahni and Others vs. The State of Bihar and Others (C.W.J.C. No. 18236 of 2019)**. The said writ application was dismissed by an order dated 06.09.2019, taking into account the Division Bench decision of this Court in case of **State of Bihar and Others Vs. Subhash Chandra Shukla and Others, reported in 2009(4) PLJR 569**, and Rule 4 of Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011, sub-rule (1) whereof provides that there shall be cent-percent direct appointment to the post of Gram Panchayat Secretary.

In view of the said decision of this Court in case of **Indrajit Sahni and Others** (supra), the relief, which the petitioners are seeking, cannot granted.”

This court does not find any error or infirmity in the judgment and order passed by learned Single Judge requiring any interference by this Court. This L.P.A. is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2021
Transmission Date	NA