

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6606 of 2021

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Kumari Premlata, D/o Ravindra Prasad, W/o Amit Kumar, R/o - Shivaji Colony, Gali No. 1, Dineshwar Dham Mandir, Sikandarpur, P.S. - Mojahidpur, Town and District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The District Establishment Committee, Bhagalpur, through its Chairman-cum- the Collector, Bhagalpur.
5. The Establishment Deputy Collector, Bhagalpur Collectorate, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha, Advocate

For the Respondent/s : Mr.Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following reliefs:-

“(I) Issuance of an order, direction or an appropriate declaration that the action of the respondents concerned in not including the name of the petitioner in the final Panel of the Bhagalpur District (out of which panel appointments against Class-IV vacancies in different State Govt. Offices in Bhagalpur Districts are to be made) is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law.

AND CONSEQUENT UPON SUCH



DECLARATION

(ii) This Hon'ble Court may be gracious enough to issue a writ in the nature of Mandamus commanding the respondents concerned to include the name of the petitioner at appropriate place in the final panel so prepared by the Respondents concerned in the District of Bhagalpur, out of which appointments against different Class-IV posts in different State Govt. Offices in Bhagalpur Districts are to be made.

(iii). For grant of any other relief/relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Short question for consideration is whether petitioner is eligible to be incorporated in the list stated to have been prepared.

4. Respondent no. 3, District Magistrate, Bhagalpur is hereby directed to examine the petitioner's service particulars and proceed to pass a speaking order as to whether petitioner name is required to be incorporated in the final panel in respect of selection and appointment to the Class IV in different department of the Bhagalpur district or not. If the petitioner is otherwise eligible her name shall be incorporated and further action shall be taken in accordance with law. If the petitioner is not entitled in that event necessary speaking order shall be passed, as to why the petitioner's name cannot be incorporated in final panel prepared by the respondents in respect of the district of Bhagalpur. The above exercise shall be completed within a period of two months from the date of receipt of this order.

5. At this stage, learned counsel for the petitioner submitted in the counter statement, the District Magistrate has rejected the petitioner's claim. If it is so District Magistrate is required to pass a speaking order so as to enable the petitioner to question the validity of the same before the appropriate forum.



Therefore, there is no infirmity in the above order/direction.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

