

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10697 of 2021

1. Pankaj Soni S/o-Shri Vijay Soni Resident of Ward No.-3, Shiv Mandir, Ram Nagar, P.O.-P.S.-Ram Nagar, District-West Champaran.
2. Sanjay Kant Mani Tiwari S/o-Late Vasudeo Mani Tiwari Resident of Village-Janerwa, P.O.-Areraj, P.S.-Govindganj, District-East Champaran.
3. Chandan Kumar S/o-Shri Kapileshwar Prasad Resident of Village and P.O.-Nadda, P.S.-Bhairavganj, District-West Champaran.
4. Bageshwar @ Bhageshwar KUMAR @ (Gender-Male), S/o Haresh Prasad Resident of Village-Sareyan Ojha Toal, P.O.-Nauadih, P.S.-paharpur, District-East Champaran.
5. Anjali Kumari D/o-Shri Anil Prasad Resident of Mohalla-Behind Amna High School, P.O. and P.S.-Bettiah, District-West Champaran.
6. Khushboo Kumari W/o-Shri Jagat Kumar, Resident of Village-Sareyan Ojha Tola, P.O.-Nauadih, P.S.-Paharpur, District-East Champaran.
7. Rani Kumari W/o-Shri Om Prakash Kumar Resident of Village-Dhangola, P.O. and P.S.-Sugauli, District-East Champaran.
8. Shilpi Kumari D/o-Shri Ashok Thakur, Resident of Village and P.O.-Dhekaha bazar, P.S.-Motihari, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, department of Panchayati Raj, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Selection Committee of Accountant-Cum- Assistant Under the Chairmanship of the District Magistrate, East Champaran, Motihari.
5. The District Panchayati Raj Officer, East Champaran, Motihari.
6. The District Provident Fund Officer, East Champaran, Motihari.
7. The Block Development Officer, Block-Banjariya, East Champaran, Motihari.
8. The Block Development Officer, Block-Paharpur, East Champaran, Motihari.
9. The Block Development Officer, Block-Areraj, East Champaran, Motihari.
10. The Block Development Officer, Block-Ramgarhwa, East Champaran, Motihari.
11. The Block Development Officer, Block-Harsidhi, East Champaran, Motihari.
12. The Block Development Officer, Block-Kotwa, East Champaran, Motihari.
13. The Block Development Officer, Block-Sadar, Motihari, East Champaran,



Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Shri Prakash Srivastava
For the Respondent/s : Mr.Kumar Alok (Sc7)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 14-02-2022

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

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“I. To issue a writ in the nature of mandamus commanding the Respondents No. 3 to 5 to not question the appointment of the petitioners, because the petitioners were appointed by virtual of advertisement issued by the Respondent No. 2 on 25.07.2018 (Annexure – P/1) and thereafter the Respondent No. 4 in its meeting dated 21.01.2019 selected the petitioners to the post of Accountant-cum-I.T. Assistant, but the Respondents No. 3 to 5 without any statutory authorization, questioned the qualification of Intermediate of the petitioners.

II. To issue a writ in the nature of mandamus commanding the Respondents No. 3 to 5 to not question the appointment of the petitioners, because the petitioners successfully completed their Intermediate Examination from Kendriya Mukh Vidyalyi Sikshan Sansthan, Lucknow, U.P. but most disgracefully the communication made by Kendriya Mukh Vidyalyi Sikshan Sansthan, Lucknow, U.P. was found true, but subsequently declared not acceptable by the Respondent Nos. 3 to 5.



III. To issue a writ in the nature of mandamus commanding the Respondents No. 3 to 5 to pay entire due salary because despite of the fact that the petitioners are continuing and discharging their duties, but they are not getting salary since April, 2020.

IV. Any other relief or reliefs.”

3. Petitioners were stated to have been appointed on Accountant-cum-I.T. Assistant. Their presumption is that respondent Nos. 3 to 5 are likely to question the petitioners’ selection and appointment to the post of Accountant-cum-I.T Assistant. Such a writ of prohibition cannot be granted. Respondent Nos. 3 to 5 have every legal right to question the validity of selection and appointment of the petitioners, if they fulfill the requisite conditions including *locus standi*. In the light of these facts and circumstances, the present petition is not maintainable.

4. Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

