

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11331 of 2019

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Rabindra Prasad Singh Son of Rameshwar Prasad Singh, Resident of Village -
Sherpur, P.S. Barbiga, District- Sheikhpura, Pin Code- 811101

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Govt....
2. The District Magistrate, Saran at Chapra.
3. The District Welfare Officer, Saran at Chapra.
4. The District Information and Technology Officer Saran at Chhapra.
5. The Senior Deputy Collector Saran at Chhapra.,
6. The District Water Supply Officer, Saran at Chhapra.
7. The Deputy Collector, Establishment Saran at Chhapra.
8. The District Magistrate-Cum-Collector, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Md. N.H. Khan (SC 1)

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

Date : 13-05-2022

This matter is heard *via* video conferencing.

None appears for the petitioner.

In the instant petition, petitioner has prayed for the fol-
lowing reliefs:-

“(i) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the respondent authorities to appoint the petitioner pursuant to his selection made on 16.02.2018 wherein name of the petitioner figured at S.No. 114 of the panel.

(ii) Further for direction to the respondent authorities to accept the joining



after appointing the petitioner and pay the entire consequential benefit.

(iii) Further for issuance of an appropriate writ in the nature of MAN-DAMUS commanding and directing the respondent authorities to take appropriate decision over the representation filed by the petitioner pursuant to his appointment as per panel published on 16.02.2018.”

Short question for consideration is whether the petitioner is eligible to be selected and appointed to the Group (D) post or not?

The petitioner has claimed that his name is reflected in the final panel and he has not been appointed. In this regard, he has submitted representation on 02.01.2019. Whereas in para 7 of the counter affidavit filed on behalf of the respondents it is stated as under:-

“7. That it, it is also important to mention here that on the fixed date for his counselling i.e. on 23.02.2018, the writ petitioner did not turn up for his counselling and on the reserved date i.e. 24.02.2018 again he didn't appeared for his counselling.”

In the light of the aforesaid averment on behalf of the respondents the petitioner is not entitled to selection and appointment to the post of Group (D). If the petitioner is disputing the communication for his appearance in the counselling on 23/24.02.2018 in that event petitioner is hereby directed to ap-



proach the concerned respondent in filing detailed representation. The concerned authority is hereby directed to pass a speaking order relating to communication of notice of petitioner's appearance for counselling in other words by what mode notice was issued for petitioner's appearance for counselling on the assigned date of counselling. These information be reflected in the order to be passed by the concerned authority. Such order shall be passed within a period of one month from the date of receipt of fresh application/representation.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

