

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18812 of 2021

-
-
1. Mukesh Ram, Son of Rajendra Ram, Resident of Village-Goshai Tola, Panchayat Paigamberpur, Police Station-Anchal Kewati, District-Darbhangha.
 2. Kirti Kumari Wife of Dhanbir Kumar Resident of Dhipura, P.O.-Lalganj, P.O. and P.S.-Kewati, Anchal Panchayat Lalganj, District-Darbhangha.
 3. Lalita Kumari Wife of Arjun Kumar Resident of Village-Loan P.O.-Loan-Anchal Sadar, Darbhanga, Police Station-Sadar Darbhanga, District-Darbhangha.
 4. Rinkoo Kumari Wife of Rajesh Paswan Resident of Village and P.O.-Panchayat Bharathi, Ward No. 08, Anchal-Singhwara, Police Station-Simri, District -Darbhanga.
 5. Trimurti Kumari Wife of Mritunjaya Kumar, Resident of Village-Simri, P.O.-Panchayat Simri, Anchal-Singhwara, Police Station-Simri, District-Darbhangha.
 6. Rampukar Mahto Son of Late Ram Prasad Mahto Resident of Village-Thakuramia, P.O.-Muria, P.S.-Sadar, Darbhanga, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga Cum Chairman, Selection Committee, District-Darbhangha.
4. The Supply Officer, Darbhanga Cum Secretary, District Selection Committee, District-Darbhangha.
5. The Sub Divisional Officer, Benipur, District-Darbhangha.
6. The Sub Divisional Officer, Sadar, Darbhanga, District-Darbhangha.
7. The Sub Divisional Officer, Biraul, District-Darbhangha.
8. The Senior A.D.M. Darbhanga, District-Darbhangha.
9. The District Co-Operative Officer, Darbhanga, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Chaubey, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (S.c. 4)

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 : 31-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“That the petitioners by filing the present writ application for the issuance of an appropriate writ/s, order/s, direction/s especially in the nature of certiorari quashing the decision taken on 10.07.2021, the fresh selection committee and its final publication of 2nd merit list dated 24.07.2021 by the respondent authorities, who have malafidely and intentionally ignored claim, right for their selection according to the previous 1st Merit list, based on the basis previously announced, which was processed for the selection of candidates who have applied as per the publication of Bihar Govt. Food and Consumer Protection Letter no. 1222 dated 08.03.2017, and the total vacancies were 732 and after proper verification, scrutiny of documents by the than selection committee comprising the similar persons of same post and out of which a merit list was prepared of Total 732, out of which in first lot 57 % candidates were selected on the basis of merit educational qualification, and similarly in other districts such selection process of (P.D.S.) were followed the same process of selection on the basis of Higher Educational Qualification. The petitioner’s names were selected and recommended for further process and rest 155 Candidates of same list were left for further approval as per the list dated 12 03 2020. But later on in the year 2021 due to change of previous Chairman of Selection Committee present respondent have further constituted another selection committee have adopted another process of the selection giving waitage and preferences to those candidates who are having higher class in computer, ignoring the guidelines and previous process of selection as per the Higher Educational Qualification, even than serious

irregularities have been made by the respondents authorities, adopted double standard and yard stick to give preference, privilege to those candidates who were much below in the 1st merit list and even after objections by the candidates, whoever earlier, selected having above position that the order candidates, who were not selected through the 2nd merit list prepared by the respondents authorities and denied their claims. So the selection made by the respondent through 2nd merit list is improper illegal, arbitrary act of denial of the previously selected candidates on merit educational qualification by previous selection committee, using double standard, two measuring stick for the same advertised notification selection and preparation of 1st merit list to favour present candidates denying the legal rights of these candidates who have been waiting for long for their selection deprive from their legal rights.”

After the matter was heard for some time, learned counsel appearing on behalf of the petitioners, under instructions, states that petitioners may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioners are permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioners through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioners to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	