

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.38 of 2018

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Aditya Kumar Lal, Son of Late Rudranand Lal Das, Resident of Supaul, Ward No.24, Purwari Kyast Tola, Supaul, P.S. and P.O.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Personal and Administrative Department, Old Secretariat, Bihar, Patna.
2. The Divisional Commissioner, Koshi Commissionary at Saharsa, District- Saharsa.
3. The District Magistrate-cum-Chairman, District Appointment Committee, Supaul, District- Supaul.
4. The Establishment Officer, District Appointment Committee, Supaul, District- Supaul.
5. The Treasury Officer, District Collectariate Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Rashid Izhar, Advocate
For the S t a t e : Mr.Md.Fazle Karim, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-08-2022

The petitioner has approached this Court for issuance of a direction upon the Respondent No.3-District Magistrate-cum-Chairman, District Appointment Committee, Supaul to appoint him on a permanent post in Grade-IV. The claim is based on daily wage employment of the petitioner discharged for the last about 20 years.

2. The petitioner has made his application in response to an advertisement dated 01.04.2012 for empanelment for



appointment to Grade-IV post in the District Administration, Supaul.

3. It is the petitioner case, which is evident from the material on record, that initially a provisional panel was prepared on 01.08.2015. The petitioner's name figured in the said panel showing that he had worked for 3432 days. Thereafter another provisional panel was published on 07.01.2017 (Annexure 4). In this panel, the petitioner was placed in the category of applicants in respect of whom no evidence was available regarding their past services/number of days, or who were disqualified for any other reasons.

4. It is the petitioner's case that specific reason had not been assigned for keeping the petitioner in this category. He, however, filed his objection to the second provisional panel. In his objection, he has stated that he had received payments on 23.12.2015 from the District Nazarat Section (Nalanda) under Accounts Head No."2070".

5. The petitioner has also relied upon some certificates of appreciation by various dignitaries visiting the Circuit House at Nalanda, which are testimony of the fact that the petitioner was serving in the Circuit House against a Grade-IV post, for which various dignitaries have appreciated the services rendered by him.



6. It is thus submitted that the reason assigned for putting the petitioner in the category of disqualified candidates for want of evidence in support of earlier service rendered by him is untenable.

7. The learned State Counsel relying upon counter affidavit, which has been filed, has submitted that it is apparent from the petitioner's case, and also otherwise that the authorities in the process of selection have acted with fairness and transparency.

8. It is the specific case of the respondents that the process has been undertaken giving due regard to the merit of the candidates *inter se* and no unqualified candidate has been considered, let alone appointed in the process.

9. The petitioner has placed on record material by way of Annexure 8 series, being evidence of payments received by the petitioner from the District Nazarat at Nalanda district. From perusal of the details, it is obvious that the same does not refer to any number of working days on which the petitioner has discharged duties on daily wages under any office of the District Magistrate, Nalanda, for which any wages have been paid to the petitioner. There being no evidence as such, the petitioner's claim that he has worked under the District Magistrate, Nalanda and that the payments, which he claims to have received (Annexure 8), are



in recognition of any work having been discharged by him on daily wages, is untenable.

10. It is also specific stand of the respondents in the counter affidavit that the petitioner has not impleaded the District Magistrate, Nalanda as a party-respondent, though his claim is based on work discharged in the district of Nalanda.

11. On consideration of the rival submissions, this Court would find that the process of selection, which was initiated under advertisement dated 01.04.2012, was subject to various orders passed in writ proceedings, all of which have been considered in the minutes of the meeting dated 05.07.2016 of the District Level Committee, headed by the District Magistrate, for empanelment for appointment on Grade-IV post. It is obvious from the minutes that the two provisional panels dated 01.08.2015 and 07.01.2017 were prepared in light of the advertisement as well as various judicial directions.

12. The fact that the petitioner is required to show that he had worked for 240 days in a year, is not denied or disputed. In fact, the petitioner claims that he has worked for more than 240 days and was thus eligible for empanelment as well as appointment having regard to the years of daily wage work rendered by him.



13. Annexure 8 series, which has been relied upon by the petitioner in support of his contention, however, does not help the case of the petitioner. From perusal of Annexure 8, it is apparent that the same, if at all, is a detail of payment under Account Head No.“2070” meant for Circuit House goods and supplies. The same is manifest from the details contained in Annexure 8, said to have been issued by the Nazarat Deputy Collector, Nalanda. From the details, it is obvious that it is not a detail of payment made to the petitioner for work discharged by him on daily wages in any office under the District Magistrate. The details have been forwarded on a prescribed proforma. Clause 5 and 6 of the proforma come under a heading, which reads as follows :

" रोकड़ वही के आधार पर वर्षवार
मानव दिवसों की संख्या "

14. From the heading, it is obvious that under this heading the authority was required to specify the number of working days in a year, based on the basis of a cash-book. In these columns, however, the number of working days per annum has not been specified with reference to any cash-book.



15. The certificates of appreciation issued by the authorities in the Circuit House, Nalanda also are irrelevant for consideration as the requirement is working of 240 days in a year. That requirement cannot be met, based on certificates of appreciation produced by the petitioner.

16. This Court would thus find that no case is made out by the petitioner for issuing any direction in his favour. The petitioner has not been able to make out a case.

17. Writ application is dismissed.

(Madhuresh Prasad, J)

PNM

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

