

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2544 of 2020

1. Rajdeo Das Son of Rameshwar Das, Resident of Village- Bagwar, Post Office- Sukanwan, Police Station- Makhdumpur, District- Jehanabad.
2. Arvind Pandey, Son of Yamuna Pandey, Resident of Village and Post Office- Neuri, Police Station- Belaganj, District- Gaya.
3. Ramjeet Das, Son of Nageshwar Das, Resident of Village and Post Office- Kalpa, Police Station- Jehanabad, Distt- Jehanabad.
4. Siddhnath Prasad, Son of Mudrika Prasad, Resident of Village- Mira Bigha, Post Office- Bara, Police Station- Gaya, District- Gaya.
5. Devendra Das, Son of Birju Das, Resident of Village and Post Office- Dharaut, Police Station- Makhdumpur, District- Jehanabad.
6. Sunil Kumar, Son of Uma Shankar Singh, Resident of Mohalla- Lakhibagh Manpur Gaya Police Station- Muffasil, District- Gaya.
7. Manoj Kumar, Son of Ranjeet Raut, Resident of Village- Elara, Post Office- Cherki, Police Station- Bodh Gaya, District- Gaya.
8. Lalan Pd. Pandit, Son of Basudeo Prasad, Resident of Mohalla- Katari Hill, Kumhar Toli, Post Office- Gaya, Police Station- Chandauti, District- Gaya.
9. Sindhu Kumar, Son of Soma Ravi Das, Resident of Village- Kastha, Post Office- Solara, Police Station- Paraiya, District- Gaya.
10. Urmila Kumari, Wife of Manoj Rajak, Resident of Mohalla- Chand chaura, Post Office- Chand Chaura, Police Station- Civil Line, District- Gaya.
11. Nilam Kumari, W/o Jay Raj Kumar, Resident of Village- Baradih, Post Office- Baragandhar, Police Station- Muffasil, District- Gaya.
12. Jayanti Wife of Sunil Kumar Goswami, Resident of Mohalla- Bhusanda, Post Office- Nawranga, Police Station- Muffasil, District- Gaya.
13. Suresh Prasad, Son of Janki Bhagat, Resident of Mohalla- Dighi Talab, Post Office- Gaya, Police Station- Civil Line, District- Gaya.
14. Shiv Kumar Paswan, Son of Mungeshwar Paswan, Resident of Village- Hamjapur, Post Office- Sherghati, Police Station- Amas, District- Gaya.
15. Ravindra Kumar Pandey, Son of Sukhdev Pandey, Resident of Mohalla- Narain Chulha, Post Office- Chand Chaura, Police Station- Vishnupad, District- Gaya.
16. Mahesh Prasad, Son of Narayan Das, Resident of Mohalla- Bageshwari Sthan, Post Office- R.S. Gaya, Police Station Delha, District- Gaya.
17. Umashankar Singh, Son of Firangi Singh, Resident of Village- Dubhal, Post Office- Gaya Police Station- Magadh Medical, District- Gaya.
18. Siyaram Singh, Son of Jagdeo Singh, Resident of Village- Balagardh, Police Station- Anandpur, Police Station- Rampur Chauram, District- Arwal.
19. Munni Lal, Son of Prasadi Mochi, Resident of Village- Lalse Bigha, Post Office- Bharthua, Police Station- Kako, District- Jehanabad.
20. Munna Paswan Son of Rajkumar Paswan, Resident of Village- Baradih, Post Office- Bara Gandhar, Police Station- Muffasil, District- Gaya.
21. Uday Yadav, Son of Dhannu Yadav, Resident of Mohalla- Imaliyachak, Post Office- Rampur, Police Station- Gaya, District- Gaya.
22. Savitri Sharma, Wife of Surendra Thakur, Resident of Village- Kharauna, Post Office- Dakra, Police Station- Makhdumpur, District- Jehanabad.



23. Kanchan Kumari, Wife of Om Prakash Azad, Mohalla- Bageshwari Gumti, Post Office- Railway Station, Police Station- Delha, District- Gaya.
24. Prakash Kumar Son of Panchu Manjhi, Resident of Mohalla- Bhatbiga Katari Hill Road Gaya, Post Office- Gaya, Police Station- Rampur, District- Gaya.
25. Ravindra Kumar, Son of Rajeshwar Singh, Resident of Mohalla- Bangla Sthan Chitraguptra Nagar, Post Office- Railway Station- Police Station- Kotwali, District- Gaya.
26. Krishna Dev Singh, Son of Raghunandan Sinha, Resident of Village- Shahwajpur, Post Office- Earki, Police Station- Belaganj, District- Gaya.
27. Srikant Ram, Son of Rishi Ram, Village- Mahua Bagh, Post Office- Sarta, Police Station- Parasbiga, District- Jehanabad.
28. Neelam Kumari, W/o Yugal Kishor Sharma, Resident of Village- Manpur Bazar Near Manokamna Mandir, Post Office- Buniyadganj, Police Station- Buniyadganj, District- Jehanabad.
29. Sujata W/o Raj Kumar Ray, Resident of Mohalla- Bhikhanpur Bhatta Road Bishari Asthan Gumtin No. 2, Post Office- Dshak Bhagalpur, Police Station- Kotwali Bhagalpur, District- Bhagalpur.
30. Bhushan Prasad, Son of Rajnandan Yadav, Resident of Village- Kurua, Post Office- Jaytipur Kurua, Police Station- Ghoshi, District- Jehanabad.
31. Sushiln Kumar Choudhary, Son of Sidhnath Choudhary, Resident of Mohalla- Maula Bagh Harijan Vidyalay, Ara, Post Office- Ara, Police Station- Navada, District- Bhojpur.
32. Raj Kumar, Son of Chandrika Roy, Mohalla- Akopur, Post Office- Janipur, Police Station- Soranmpur, District- Patna.
33. Uma Kumari, W/o Rajesh Kumar, Resident of Mohalla- R.S.S. Delha Bageshwari Road, Police Station- Delha, Post Office- Railway Station, District- Gaya.
34. Rekha Devi, W/o Binod Kumar Chaudhary, Resident of Mohalla- Laluchak Kali Asthan Ishakchak, Post Office- Ishakchak, Police Station- Bhagalpur, District- Bhagalpur.
35. Bijay Kumar Choudhary, Son of Lala Choudhary, Resident of Mohalla- Chakbrinda, Police Station- Gardanibagh, Post Office- Anisabad, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The District Magistrate-Cum-Chairman, Selectionn Committee Group D, Posts Gaya.
6. The Additional Collector, Gaya.
7. The District Development Commissioner, Gaya.
8. The Deputy Collector, Establishment, Gaya,.



9. Then District Welfare Officer, Gaya.
10. The Civil Surgeon-Cum- The Chief Medical Officer, Gaya.
11. The Additional Chief Medical Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Siyaram Shahi, Advocate
Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4S

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-08-2023 1. Heard learned counsel for the petitioners and
learned State counsel.

2. The petitioners were empanelled for selection on
group-D post, but their selection was never done.

3. It is the specific averment of the petitioners in
paragraph 12 of the writ petition that even selection letters were
not given to the petitioners, pursuant to their empanelment as
per the order dated 22-7-2019 (Annexure-5 to the writ petition).
Subsequently the authorities relying upon decision of this Court
in CWJC No. 18612 of 2019 have abandoned the entire process
whereby the petitioners were empanelled. In CWJC No. 18612
of 2019, this Court has directed the authorities to conduct
selection process by a method other than on basis of
empanelment.

4. The learned counsel for the petitioners submits that
others similarly situated as the petitioners had moved this Court
by filing a writ petition bearing CWJC No. 2109 of 2020 which



travelled upto the division bench in LPA No. 121 of 2020. The termination of those petitioners were set aside and a direction was issued to the District Magistrate, Gaya to proceed against them in accordance with law. As a result of order passed in those proceedings, those petitioners of CWJC No. 2109 of 2020 have been reinstated and proceeded against. The submissions are advanced by referring to decision passed in LPA No. 121 of 2020.

5. This Court finds that the reliance placed on decision in LPA No. 121 of 2020 is misconceived. It is not the petitioners' case that they were ever appointed. It is specific case of the petitioners in paragraph 12 of the writ petition that even selection letters were not given to the petitioners, let alone any appointment. The basic premise for claiming parity with petitioners of CWJC No. 2109 of 2020, or the beneficiaries of LPA No. 121 of 2020 therefore does not exist as the petitioners therein had already been appointed, and therefore this Court interfered with their termination which was found to be not in accordance with law.

6. Since the order of the District Magistrate impugned in the instant proceedings is relying upon the decision of this Court in CWJC No. 18612 of 2019, the petitioners would be at



liberty to avail appropriate remedy in respect of order passed in CWJC No. 18612 of 2019, by either an LPA against the order passed, or by review of the said order, or any other remedy in accordance with law.

7. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

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