

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4341 of 2023

1. Durga Prasad Rajak Son of Ram Prasad Rajak Resident of Tilkamanjhi Hat, P.S. Tilkamanjhi, District - Bhagalpur.
2. Binod Rajak, Son of Bishwa Nath Rajak, Resident of village - Garhiya, Baluwa, ward No. 4, P.O. Garhiya Baluwa, P.S. - K.Nagar, Dist. - Purnia.
3. Subodh Kumar Choudhry, Son of Late Malo Choudhry, Resident of Vill. - Sultanpur Bhatti, Sabour, P.S. - Sabour, Dist.- Bhagalpur.
4. Dipak Kumar, Bharti, Son of Maheshwar Prasad Sah, Resident of Bari Khanjarpur, Bhagat Lal Mishra Lane, P.S. - Barari, Dist. - Bhagalpur.
5. Md. Asad Raza, Son of Md. Shamshad Raza, Resident of 35, Tank Lane, Gumti No. 3, Bhikhanpur, P.S. - Ishakchak, Dist. - Bhagalpur.
6. Bishnudeo Ram, Son of Late Moti Ram, Resident of Mohalla - Bhikhanpur Gomti No. 2, Bhatta Road, Bishahri Sthan, P.S. - Ishakchak, Dist.- Bhagalpur.
7. Neva Lal Das, Son of Late Sitabi Das, resident of Gonarlal Lane, Jogsar, P.S. - Adampur, P.O. Kharmanchak, Dist. - Bhagalpur.
8. Arun Kumar Rajak, Son of Shyam Rajak, Resident of Moh - Chiranjivi Bose Lane, P.S.- Jogsar, Deepnagar, Dist. - Bhagalpur.
9. Pappu Kumar, Son of Ganesh Prasad Singh, Resident of Vill. - Kolhadda, P.O. - Rupsa, P.S. Rajoun, Dist. - Banka.
10. Diwakar Kumar, Son of Kusheshwar Yadav, Resident of Vidyut Anchal Marg, Mayaganj, P.S. - Barari, Dist. - Bhagalpur.
11. Ratnesh Pandit, Son of Narsingh Pandit, Resident of Village - English Chichron, Akbarnagar, P.S. - Akbarnagar, Dist. - Bhagalpur.
12. Pawan Kumar Das, Son of Laxman Das, Resident of Jai Praksh Pandey Lane, Jogsar, P.S.- Kotwali, Dist. - Bhagalpur.
13. Ranjeet Kumar Choudhry, Son of Sahdeo Choudhry, Resident of Mohalla - Adampur, Near C.M.S. High School, P.S. Adampur, Dist. - Bhagalpur.
14. Sulekha Kumari, daughter of Shashi Mandal, Wife of Anand Prasad Singh, Resident of Village - Angari, P.S. Jagdishpur, Dist. - Bhagalpur.
15. Tej Narayan Das, Son of Chitranjan Das, Resident of Village and P.O. - Madrauni, P.S. - Rangrachak, Naugachia, Dist. - Bhagalpur.
16. Chandra Shekhar Kumar, Son of Late Kishun Das, Resident of Bhikhanpur, Gomti No. 2, Harijan Tola, P.S. - Ishakchak, Dist. - Bhagalpur.
17. Pritam Kumar, Son of Dip Chand Ram, Resident of Moh - Bhikhanpur, Gomti, No. 3, R.B.S.S. Road, Railway Quarter, P.S. - Ishakchak, Dist. - Bhagalpur.
18. Anju Kumari, Wife of Ashok Kumar Singh, Resident of Mohalla - Ramkrishnanagar, P.O. Lalapur Bhddir, P.S. - Kahalgaon, Dist. - Bhagalpur.
19. Punam Kumari, Daughter of Padarath Mandal and Wife of Vanshidhar Mandal, Resident of Vill. - Bahadurpur, P.O. - Simariya, P.S. - Kajraili, Dist. - Bhagalpur.



20. Gopal Harijan, Son of Dasrath Harijan, Resident of vill. - Gowardhanpur, P.O. - Machhipur, P.S. - Lodipur, Dist. - Bhagalpur.
21. Subhash Kumar Mandal, Son of Late Prasadi Mandal, Resident of Vill. - Masarhu, P.O. Mamalkha, P.S.- Sabour, Dist. - Bhagalpur.
22. Md. Kabir Alam Baitha, Son of Md. Ansar Baitha, Resident of Village - Ujani, P.O. Maniamore, P.S. - Naugachia, Dist. - Bhagalpur.
23. Manoj Kumar, Son of Chaitu Das, Resident of vill. - Laluchak, Angari, Harijan Tola, Near Sunvilla Academy, P.O. Sadar Bhagalpur, P.S. - Lodipur, Dist. - Bhagalpur.
24. Ranju Kumari, Wife of Manoj Kumar Das, Resident of Vill. - Laluchak, Angari, Harijan Tola, Near Sunvilla Academy, P.O. Sadar Bhagalpur, P.S. - Lodipur, Dist. - Bhagalpur.
25. Birendra Kumar, Son of Hari Charan Das, Resident of village and P.O. Bishanpur, Jichho, P.S. - Lodipur, Dist. - Bhagalpur.
26. Manju Devi, Wife of Birendra Kumar, Resident of Vill. - Bishanpur, Jichho, P.S.- Lodipur, Dist. - Bhagalpur.
27. Anil Kumar, Son of Bindeshwari Prasad Yadav, Resident of Moh-Kailashpuri Colony, Mirjanhat, P.S.- Mojahidpur, Dist. - Bhagalpur.
28. Mukesh Kumar, Son of Sunil Kumar Mitra, Resident of Vill and P.O. Lakhanpur, P.S.- Asarganj, Dist. - Bhagalpur.
29. Rajesh Kumar, Son of Suresh Paswan, Resident of Village - Kharba, P.O. Khiribandh, P.S. Jagdishpur, Dist. - Bhagalpur.
30. Raj Kumar Bharti, Son of Radhe Das, Resident of Vill and P.O. Bishunpur Jichho, P.S.- Lodipur, Dist. - Bhagalpur.
31. Sandip Kumar, Son of Ramcharan Sah, Resident of vill. - Yogia, P.O. Nadiyana, P.S. Goradih, Dist. - Bhagalpur.
32. Pankaj Kumar Jha, Son of Rajnarayan Jha, Resident of Vill. - Bhawanipur Naya Tola, Naugachia Ward No. 2, P.S. Rangra, Dist. - Bhagalpur.
33. Bharat Das, Son of Late Mallo Das, Resident of Vill. - Sikandarpur, Harijan Tola, Ramdas Lane, P.O. - Mirjanhat, P.S.- Mojahidpur, Dist. - Bhagalpur.
34. Raj Bihari Yadav, Son of Khobari Yadav, Resident of Vill. - English, P.O. Farakka, P.S. - Sabour, Dist. - Bhagalpur.
35. Suman Kumar Sinha, Son of Dip Nrayan Mandal, Resident of Vill. - Lougain, P.O. Mathurapur, P.S. - Shivnarayanpur, Dist. - Bhagalpur.
36. Sikandar Mandal, Son of Dhanraj Mandal, Resident of Vill - English, P.O. Farakka, P.S. - Sabour, Dist. - Bhagalpur.
37. Gopal Kumar Mandal, Son of Jhamu Mandal, Resident of Vill - English, P.O. Farakka, P.S.- Sabour, Dist. - Bhagalpur.
38. Udesb Kumar Yadav, Son of Yogendra Prasad Yadav, Resident of Vill - English, P.O. Farakka, P.S.- Sabour, Dist. - Bhagalpur.
39. Narad Prasad Yadav, Son of Late Tapeswar Yadav, Resident of Vill. - Babhangama, P.O. Kalkiganj, P.S. Kahalgaon, Dist. - Bhagalpur.

... .. Petitioner/s



Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Bihar, Patna.
2. The Additional Secretary, General Administration Department, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Level Selection Committee, Headed by the Chairman, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Adv.
For the Respondent/s : Mr. Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-09-2023 1. Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners' claim for being appointed in group-D post in the Bhagalpur Collectorate by virtue of their empanelment is not being granted by the authority in view of judgment passed in CWJC No. 18612 of 2019, wherein, the Court has passed certain directions which are to be followed in the matter of appointment to group-D post.

3. The learned counsel for the petitioners submits that the petitioners would be availing their remedy in accordance with law. He submits that they are adversely affected by decision of this Court in the case of CWJC No. 18612 of 2019 (Kapil Kumar & Ors. Vs. The State of Bihar & Ors. and analogous cases). Though they were not party to the said proceedings it is as a result of the order passed in CWJC No.



18612 of 2019 that the impugned order dated 23-06-2020 has been passed.

4. The Court *prima facie* finds that the order impugned in the petition is of June 2020, nearly 3 years old. However, the petitioners seek liberty to avail the remedies in respect of the order passed in CWJC No. 18612 of 2019, either by filing Review in terms of decision of the Hon'ble Apex Court in the case of ***Shivdev Singh & Ors. v. State of Punjab & Ors.*** reported in ***AIR 1963 SC 1909***, or by filing LPA relying on decision of the Hon'ble Apex Court in the case of ***Ram Janam Singh Vs. State of Uttar Pradesh & Anr.***, reported in ***AIR 1994 SC 1722***.

5. The writ petition is disposed of leaving it open to the petitioners to avail remedies in accordance with law.

(Madhuresh Prasad, J)

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