

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17486 of 2014

1. Satyendra Kumar and Ors son of Late Awadh Kishore Singh, resident of village- Chandpura, P.S.- Muffasil and District- Begusarai
2. Krishna Mohan Kumar, son of Late Kishori Prasad Singh, resident of village- Diha, P.S.- Tharthari and District- Nalanda
3. Baikunth Kumar, son of Ram Nath Ishwar, resident of village- Siwari, P.S.- Cheriya Bariyarpur and District- Begusarai
4. Suresh Mahto, Son of Parmeshwar Mahto, resident of village- Chilhai, P.S.- Teghra and District- Begusarai
5. Murli Manohar Paswan, son of Hari Charan Paswan, resident of village- Pokhariya, Ward No. 17, P.S.- Town and District- Begusarai
6. Jai Jairam Singh, son of Balram Singh, resident of village- Samho Sarlah, P.S. Samho and District- Begusarai
7. Arvind Mishra, son of Krit Narain Mishra, resident of village- Rajoura, P.S.- Muffasil and District- Begusarai
8. Suraj Sah son of Sahdeo Sah, resident of village- Mungeriganj, P.S. and District- Begusarai
9. Shyama Jha, son of Late Saroj Mishra, resident of village- Shokahara, Kalambagh, Barauni, P.S. Phulwariya and District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna
4. The District Magistrate, Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Apurva Kumar
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-6

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 16-01-2023

This writ application has been filed for issuance of direction to the respondent authorities to appoint the petitioners, who have all been empanelled in Class IV in Begusarai



Collectorate, pursuant to the panel dated 25.11.2011 against vacant sanctioned posts and for grant of all other relief/reliefs to which the petitioners are found entitled.

2. It is submitted by learned counsel for petitioners that in spite of preparation of panel in the year 2011, till date petitioners have not been appointed against sanctioned post of Class IV in Begusarai Collectorate. It is further submitted that the respondents authorities came out with a public notice dated 02.01.2011 in the Hindi daily newspaper inviting applications for preparing a panel for appointment on permanent vacant posts of Class IV employees. The petitioners filed their applications as directed. The names of all the petitioners were included in the panel prepared on 25.11.2011 under the signature of the District Magistrate, Begusarai. The names of all the petitioners figured on different serial numbers in the panel prepared by the authorities, but till date, petitioners have not been appointed on the vacant sanctioned post of Class IV in the Begusarai Collectorate.

3. Learned counsel for the State, in reply, submits that in obedience to the order dated 28.09.2011 passed by this Court in M.J.C. No. 1627 of 2011 (*Ghanshyam Sah and others vs. The State of Bihar and others*), the respondent no. 4 prepared a panel of 209 candidates and was ready to appoint them, but in the



meantime, a different order of this Court dated 01.12.2011 passed by another co-ordinate Bench of this Court in C.W.J.C. No. 12109 of 2010 (*Umesh Jha and others vs The State of Bihar and others*) came in light and due to said order, the appointment could not be made.

4. He further submits that the answering respondent filed an appeal, vide L.P.A. No. 427 of 2013 before this Court against order passed in C.W.J.C. No. 12109 of 2010, which was heard by a Division Bench of this Court and after hearing the parties, the Division Bench passed order on 04.03.2014 giving following direction to the respondent:

“All vacancies in Class IV cadre in the district of Begusarai will be filled in by holding recruitment process afresh. The persons placed in the past panel/s will not have a right to priority or preferential right on account of their placement in such panel/s.”

5. In that view of the matter, the writ petition has become infructuous and fit to be rejected.

6. In reply to the above contention of State, learned counsel for the petitioner submits that the panel of 2011 was not touched by the Division Bench of this Court.

7. In view of submissions made on behalf of the parties and order passed by this Court in L.P.A. No. 427 of 2013 whereby



a direction was given that all the vacancies in Class IV cadre in the district of Begusarai will be filled in by holding recruitment process afresh and the persons placed in the past panel will not have a right to priority or preferential right on account of their placement in such panel, the writ petition has got no merit and same is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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