

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13186 of 2015

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Rameshwar Mahto Son of Late Pathlu Mahto, resident of Village- Rampur
Parori East, Police Station District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Collector, Sitamarhi.
3. In-Charge Officer, District Legal Section, Sitamarhi.
4. Deputy Collector, District Nazarat, Sitamarhi
5. District Welfare Officer, Sitamarhi
6. Child Development Project Officer, Dumra, Sitamarhi
7. Deputy Development Commissioner, Sitamarhi
8. Senior Deputy Collector, Sitamarhi
9. Deputy Collector, District Establishment, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Binod Kumar Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 3 30-01-2023
1. No one appears for the petitioner.
 2. The perusal of the writ petition this Court finds that the petitioner has prayed for quashing of advertisement dated 24.01.2015 and further to absorb the petitioner against the vacant post of peon within the timeline.
 3. The claim of the petitioner is based on submission that he was working against a vacant post as a daily wager since 1998, whereafter, he was deputed to the offices of the District Magistrate and worked in the Election Office. In 2003



advertisement, a panel was prepared which contained the name of the petitioner at 223. Other persons were taken on regular employment and absorbed in the same class in which the petitioner belongs that is backward class category but the petitioner was not considered, although he was in the panel. He therefore preferred a writ petition C.W.J.C. No. 2620/2006 before this Court which was disposed by this Court vide order dated 13th March 2012 with direction to the respondents to consider the case of the petitioner. Since the order was not complied with, he filed a contempt proceedings vide M.J.C. No. 4997/2013, wherein there were directions made to the Deputy Collector to consider the case of the petitioner for being taken on the regular establishment. The selection committee was formed for the purpose, but its decision was kept in abeyance in view of the pendency of writ petition.

4. A fresh advertisement has been issued on 26.01.2015 for filling up the vacant post. The petitioner claims that as he was to be considered under the earlier panel the post ought not be filled by the advertisement. Respondents have filed their reply stating that the petitioner could not be selected on regular establishment under the advertisement of 2004 as he was falling short in seniority as he was not a regular daily wager but



a casual employee. Fresh advertisement was issued in compliance of an order passed by this Court in C.W.J.C. No. 1828/2009 decided on 18th March 2010 and it is therefore pointed out that no interference is warranted. I have considered the submission. The advertisement of 2015 has also been acted upon. By efflux of time no orders can be passed now to cancel the advertisement of 2015. So far as candidature of the petitioner is concerned, since he did not fall within seniority for appointment under the earlier advertisement of 2004 his claim against the new post is not found to be made out.

5. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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