

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15844 of 2015

Manoj Kumar Sah son of Late Vaidyanath Sah, resident of Village- Bagahi,
Baghambarpur, P.S. Srinagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director, Panchayati Raj, Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, West Champaran at Bettiah.
5. The District Panchayat Raj Officer, Bettiah, District- West Champaran.
6. The Sub-Divisional Officer, Bettiah, District- West Champaran.
7. The Block Development Officer, Bairiya, District- West Champaran.
8. The Sarpanch, Gram Panchayat Raj, Bagaha- Baghambarpur, Block-
Bairiya, District- East Champaran.
9. Mukul Yadav son of Paras Yadav, resident of Village- Bagahi-
Baghambarpur, P.S.- Shrinagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Umashankar Prasad, Sr. Advocate
		Mr. Kamala Kant Tiwary, Advocate
For the Respondent/s	:	Mr. Abbas Haider- Sc16

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 01-09-2023

1. The present writ petition has been filed seeking the
following reliefs:-

*“i) To be pleased to cancel the appointment of
the Respondent no. 9. Mukul Yadav and
appointing the petitioner on the post of the
Secretary, Gram Kachahari, Bagahi
Baghambarpur from the date of initial
appointment of Respondent no.9.*



(ii) Be pleased to direct the Respondents 1 to 8 to compensate the petitioner by paying the entire salary from the date of initial appointment till the date of appointment and joining of the petitioner on the said post.

(iii) Be pleased to direct the Respondents 1 to 8 to allow to continue the petitioner on the post till he is legally entitled to continue.”

2. At the outset, the learned counsel for the respondents has submitted that after the matter was remanded by this Court, by an order dated 16.11.2009, passed in CWJC No.13278 of 2008, the case of the petitioner was reviewed and the then Sarpanch, Smt. Mayanti Devi had verified the mark-sheet of the petitioner as also that of the respondent no.9, namely, Mukul Yadav and it was found that the marks of the said Mukul Yadav is higher than that of the writ petitioner, hence it is submitted that the case of the petitioner, even otherwise, is devoid of any merit. It is next contended that during the interregnum period, the Bihar Gram Katchahary Sachiv (Employment, Service Condition and Duty) Rules, 2007 has been repealed by the Rules, 2014 with effect from 05.01.2015. Rule 15 of the Rules, 2014 postulates intermediate or equivalent qualification to be the minimum educational qualification for being appointed as Secretary, Gram



Katchachary, whereas the petitioner is possessing only Madhyama degree, thus, it is submitted that there is no merit in the present writ petition and the same is fit to be dismissed.

3. The aforesaid aspect of the matter, has not been refuted by the petitioner, hence, I do not find any merit in the present writ petition.

4. Accordingly, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2023
Transmission Date	NA

