

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11071 of 2012

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Kishori Paswan Son Of Gyanchan Paswan Resident Of Village- Kuldip Chhapra, P.O. Chaubey Ambara Via- Bahkhara, P.S. Sarsaiya District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Commissioner Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. Deputy Collector Establishment, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Md. N. Hoda Khan

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-12-2023 Heard Mr. Arun Kumar, learned counsel for the petitioner and Md. N. Hoda Khan, learned counsel appearing for the State.

2. The present writ application has been filed for directions upon the respondent to issue appointment letter to the petitioner on the post of 4th grade employee in the district of Muzaffarpur on the ground that he was selected in the year 1994 at Serial No. 432 as per list prepared of the S.C. at district level.

3. Learned counsel for the State has filed a counter affidavit stating the stand of the State that in compliance of the order of this Court passed in C.W.J.C. No. 11168 of 2009,



a panel in the year 2011 has been prepared in accordance with law and the as per the guidelines contained in letter No. 16441 dated 03.12.1980 and letter No. 3577 dated 24.04.1997 and also Notification No. 207 dated 29.03.2010, and advertisement has been published inviting application for empanelment and those applied against the said advertisement were found eligible for empanelment and appointment as per seniority in panel against the available vacancy, but the petitioner has not applied in light of the said advertisement. It has further been contended that as per the Circular No. 16441 dated 03.012.1980 issued by Department of Personnel and Administrative Reforms, it is mandatory for a candidate to apply for empanelment against the advertisement. Accordingly, since the petitioner did not apply against the advertisement, which was also published in the newspaper, his claim for appointment has not been considered and consequently he has not been included in the panel 2011.

4. It is further averred that the claim of the petitioner with respect to seniority of the panel of the year 1994 is concerned, it has prepared against the provisions of the said Circular No. 16441 dated 03.12.1980 and the



district level panel committee in minutes of meeting dated 10.11.2000 declared it void and not in accordance with Rule, therefore, weightage of panel prepared in the year 1994 could not be effected.

5. In view of the categorical stand of the State, this Court comes to the conclusion that the petitioner has got no merit in his submission, accordingly, this writ application is dismissed being devoid of merit.

(Rajesh Kumar Verma, J)

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