

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5732 of 2018

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1. Madhav Kumar Sinha Son of Late Ravindra Narayan Sinha, resident of At and Post- Banmankhi Maveshi Hatt, P.S.- Banmankhi, District- Purnia.
 2. Om Prakash Jha, Son of Nathan Jha, resident of Village- Rajiganj, P.O.- Ranipatra, P.S.- Muffasil sadar, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Purnia.
3. The Chairman District Appointment Committee, Purnia.
4. The Deputy Collector, Nazarat, Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Javed Jafar Khan
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Prabhat Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-09-2023 Heard the parties.

2. The present writ petition has been preferred for issuance of an appropriate writ/ writs, direction/ directions for the following reliefs:-

(i) issuance of writ or writs in the nature of certiorari for setting aside a letter issued by the Deputy Collector, Nazarat, Purnia (Respondent No.4) vide Memo No.1311/Naza, Purnia dated 16.11.2017 and Memo No.918/Naza Purnia dated 11.08.2017 by which the claim of the petitioners regarding appointment/regularization has been rejected;

(ii) issuance of writ in the nature of



mandamus commanding the respondents to appoint the petitioners in class IVth post as they are daily wages employee (Umidwar Peon) since 1987 and the respondents are placed the name of the petitioners in the District panel time to time till the year 2010 they are placed at serial No.61 and 72 respectively but select the juniors ignoring the right of the petitioners;

(iii) issuance of direction to the respondents to pass appropriate order/ orders, directing the respondents to appoint/absorbed in class IV post as being Senior in the Panel though the Juniors in the panel, who are already appointed.

3. A counter affidavit on behalf of respondent no. 2 is on record in which paragraph 4 read as follows:

“4. That after receiving the application a draft was published which include 276 applicants and thereafter objection was called. After resolution of the objection received a final panel of 346 candidates of different categories was prepared for total vacancy 189 which is as under:-

Category	Total Vacancy
Unreserved	51
Scheduled Case	40
Scheduled Tribe	39
OBC	37
OBC Women	05
Total	189



In that list the petitioner no.1 was placed at serial no.61 whereas the petitioner no. 2 placed at serial no. 72. Both the petitioners are of general category. As there was only 51 post for general category candidates the petitioners could not be selected. Hence the petitioners were not selected.”

4. The counter affidavit has been filed on 05.10.2018 after serving copy upon the learned Counsel for the petitioner.

5. There is no rejoinder.

6. Considering the fact that the petitioner belonging to General Category, could not make it in the final list as incorporated in paragraph 4, no relief can be granted.

7. The petitioners are well advised to take recourse in the future examination.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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