

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21138 of 2011

-
1. Jay Singh S/o Sri Bachu Singh Resident of Village- Bandeli Bigha , PS-Arwal, Distric Arwal
 2. Dilip Kumar Son of late Ram Awadh Singh Resident of Village- Shankarpur Imamganj PS Kinger District Arwal.
 3. Nagnedra Prasad Son of late Hari Singh Resident of Village- Mulchand Bigha PS Karpi District Arwal.
 4. Raj Nath singh Son of late Ganori Singh Resident of Village- Nonia Bigha PS Arwal, District Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Panchayati Raj Department, Government of Bihar, Patna.
2. The Secretary Panchayati Raj Department , Patna Bihar.
3. The Director Panchayati Raj Department Government of Bihar, Patna.
4. The District Magistrate, District Arwal.
5. The District Panchayat Raj Officer, District Arwal.
6. The Block Development Officer, Arwal, Distrcet Arwal.
7. The Block Development Officer, Karpi District Arwal.
8. The Staff Selection Commission, Bihar Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
		Mr. Braj Bhushan Mishra, AC to AAG 9
For the Commission	:	Mr. Satyam Shivam Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 28-11-2023

Heard learned counsel for the petitioners, learned
counsel appearing on behalf of Staff Selection Commission,
Bihar as well as learned counsel appearing on behalf of the
State.

2. The present writ petition has been filed directing



the respondents to make appointment of the petitioners on the post of Panchayat Sewak on vacant post to give relaxation of the age of the petitioners in district Arwal.

3. Learned counsel for the petitioners submits that the respondent no. 4 i.e. District Magistrate, Arwal has recommended the case of the petitioners vide order dated 10.12.2009 and in compliance of the order dated 16.01.2009 passed in CWJC No. 5269 of 2002 the list of the Dalpati was prepared for appointment to the post of Panchayat Sewak. The meeting of the standing committee was held on 29.08.2009 to consider the case of the petitioners for the post of Panchayat Sewak from the post of Dalpati but it was found that the petitioners had crossed the age limit for their appointment. So the selection committee had recommended to make request to the Panchayati Raj Department for relaxation of the age limit for appointment of all the petitioners as per the provisions contained in letter no. 2815 dated 11.06.2008 of the department and the respondent no. 4 had requested the department to issue an order of age relaxation vide memo no. 42 dated 10.12.2009.

4. Learned counsel for the petitioners submits that the petitioners are trained Dalpati and they are working in their respective panchayats in Arwal District. The petitioners were



also earlier writ petition bearing CWJC No. 5961 of 2005 and the same was disposed of with other analogous cases vide order dated 16.01.2009 with the direction which are as follows:-

“The supplementary affidavit states that the respondent State has issued memo no. 1561 dated 28.3.2008 on the issue of considering Dalpati for appointment on the post of Panchayat Sewak. A cut off date ie. 23.8.1993 has been fixed. Guidelines have been laid down for the mode, method and manner of consideration, including the issue of age relaxation, for persons like the petitioners who, because of the protracted litigation, may have become over aged during the pendency of the litigations.

If policy guidelines have been framed by the respondents including issues of age relaxation and if the petitioners are covered by the policy guidelines, naturally they are required to be considered in accordance therewith.

The respondents are directed to consider the case of the petitioners for such appointment in accordance with the law within a maximum period of three months from the date of receipt/production of a copy of the order.

The writ applications stands



disposed."

5. As per the direction of the Hon'ble Court, the Director, Panchayati Raj Department, Government of Bihar, Patna served letter to all the District Magistrate of Bihar to take action for appointment on the post of Panchayat Sewak of the persons who are discharging duties of Dalpati in the light of the order passed by the Hon'ble Court.

6. In compliance of the order dated 16.01.2009, the list of the Dalpatis was prepared for appointment on the post of Panchayat Sewak. The meeting of the standing committee was held on 29.08.2009 to consider the case of the petitioners for the post of Panchayat Sewak from the post of Dalpati, but it was found that the petitioners had crossed the age limit for their appointment. So the standing committee (selection committee) had recommended to make request to the Panchayati Raj Department for relaxation of age limit for appointment of all the petitioners as per the provisions contained in letter no. 2815 dated 11.06.2008 of the Department and the District Magistrate, Arwal had requested the Department to issue an order of age relaxation vide memo no. 42 dated 10.12.2009.

7. The Panchayati Raj Department, Bihar in its meeting held on 12.03.2014 after considering each and every aspects contended the proposal for age relaxation of Sri Jay



Singh, Sri Nagendra Singh but rejected the proposal for age relaxation of Shri Raj Nath Singh because the date of appointment of Sri Raj Nath Singh was 30.09.1993 which was after the cut-off date i.e. 23.08.1993 as per Gazette Notification No. 2815 dated 11.06.2008. The committee of Panchayati Raj Department, Govt. of Bihar held a meeting on 08.07.2022 for consideration of proposal for the appointment of petitioners to the post of Panchayat Secretary from the post of Dalpati, and in light of several reasons and facts, proposal of age relaxation of the petitioners made available by the District Magistrate, Arwal has been rejected and it was found that the case of the petitioners was not being found in accordance with the rules vide Memo No. 6713 dated 18.07.2022.

8. And the petitioners have not challenged the decision of the Panchayati Raj Department dated 18.07.2022.

9. It appears from the aforesaid that the State Government has taken a decision in compliance of the order dated 11.09.2008 passed in CWJC No. 151 of 2005 and in view of the directions of the State Government no case is made out for the appointment of the petitioners to the post of Panchayat Sewak from the post of Dalpati.



10. In view of the aforesaid, this writ petition is
dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.12.2023
Transmission Date	N/A

