

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19639 of 2015

-
1. Amit Kumar Shrivastava Son of Late Nathu Prasad resident of village - Mahammadpur Lala Tola, P.O. Teknawas, P.S. Mahammadpur, District – Gopalganj.
 2. Raj Kumar Sah Son of Yogindra Prasad Sah Resident of Mohalla - Sidwallah, Post Sidwallah, P.S. Mahammadpur, Distt. - Gopalganj.
 3. Alok Kumar Son of Ram Awatar Agrawal Resident of Marwari Mahalla, Ward No. 16, Post P.S. Gopalganj, District – Gopalganj.
 4. Vijay Kumar Mishra Son of Ramadhar Mishra R/o village - Nechva Khash, P.O. Nechva Jalalpur, Distt. - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Bihar, Patna.
2. The Chief Secretary, Department of Rural Development, Bihar, Patna
3. The District Magistrate, Gopalganj
4. The District Programme officer, Gopalganj
5. The Additional Commissioner, Gopalganj
6. The Additional Collector, Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shree Ganpati Trivedi, Sr. Advocate
		Mr. K. Shama Singh, Advocate
For the Respondent/s	:	Mr. S.K. Sharma- GA-1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs:

(a) For issuance of writ in the nature of
Certiorari quashing the Notice dated 13.05.2015
whereby and where under the Asst -Commissioner



Development Gopalganj has been pleased to cancel the appointment process under Manrega scheme for District Label Contract from immediate effect.

(b) For issuance of writ in the nature of Certiorari quashing the Notification No 228544 dated 16.04.2015 whereby and where under the Chief Secretary Rural Development Department Bihar has ordered for cancellation of appointment from immediate effect.

(c) For issuance of writ in the nature of Mandamus directing the respondent authorities to take the appointment of these petitioners for the reasons there was no fault on the part of the petitioners in late result of counselling or other processes.

(d) For such other relief(s), direction(s) to which the Petitioner may be entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioners submits that the Department of Rural Development published a brochure on 14.11.2013 by which it come with an advertisement for appointment of the Panchayat Rojgar Sevak, Kaniya Abhiyanta, Computer Operator and Lekhapal with vacancies of 2048, 357, 309 and 142 respectively.

4. Pursuant to an advertisement the petitioners applied for the same and as per appendix attached with the



advertisement there were 84 vacant posts allotted in Gopalgan district for the of Panchayat Rojgar Sevak.

5. The first phase of counselling was done in the month of February, 2014 in which 124 candidates were called out and a merit list of 47 candidates were published against this merit list only 32 candidates joined the post of Panchayat Rojgar Sevak in Gopal district.

6. The second phase of counselling was started in the month of August, 2014, petitioners along with other candidates were participated in the counselling and in result petitioners name placed in the merit list of successful candidates and according to merit list which was uploaded on the district website on 04.09.2014, the names of the petitioners figured at serial no.19, 11, 4 and 9 respectively and petitioners were waiting for joining in post in question but petitioners have come to know from the office of the District Magistrate, Gopalganj that the Secretary, Rural Development Department had recommended for the suspension of appointment.

7. Learned counsel for the State referring his counter affidavit and submits that after second phase of counselling the process of the appointment was cancelled pursuant to the decision of the Government vide notification no.228544 dated



16.04.2015 which was issued under the signature of respondent no.2 and pursuant to the direction of the respondent no.2, the respondent no.3 (District Magistrate, Gopalganj) informed that the process of the appointment which had been initiated by the respondents authority is being cancelled with immediate effect in pursuant to the letter of the respondent no.2.

8. In view of the aforesaid, it appears that the respondent no.2 has rightly cancelled the selection process on the ground that till the date of issuance of the cancellation letter the process of selection was not completed and panel was prepared only for one year.

9. In view of the aforesaid, no merit in the writ petition. Accordingly, the writ petition is dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

U			
---	--	--	--

