

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.762 of 2023

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Akasha Kumar Gupata son of Mukesh Gupta, Resident of Village- Orlahiya
Post Office Maudah, Police Station- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The Deputy Development Commissioner, Sitamarhi.
6. The District Panchayati Raj Officer, Sitamarhi.
7. The District Land Acquisition Officer, Sitamarhi.
8. The District Public Grievance Redressal Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar, Advocate Mr. Bipin Kumar Jha, Advocate
For the Respondent/s	:	Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that pursuant to the application of the petitioner for recruitment on the post of Technical Assistant in accordance with the procedures laid down under the Government Resolution No.4046 dated 25.07.2018 (Annexure- '1'), the petitioner was considered to the extent that his name found place in the merit list prepared for Extremely Backward Class (in short 'EBC') candidates who had obtained Diploma in Civil Engineering



from a college other than the government college in the State of Bihar. It is pointed out that the name of the petitioner appeared at serial no.6 in the merit list of EBC 60%. Learned counsel submits that from Annexure- '2' to the writ application it will appear that in Sitamarhi District there were 7 vacancies for EBC candidates but all these vacancies were not filled up.

It is submitted that from an information received by one Shanti Raman under Right to Information Act (Annexure- '5'), it will appear that the Public Information Officer has informed that 7 EBC posts have been filled up. It has also been informed that in absence of availability of 11 unreserved category women candidates, 6 posts which were meant for women unreserved category were filled up through male candidates in unreserved category. It is also his submission that in such circumstance the vacant seats of EBC female candidates could have been filled up from the merit list of EBC 60%.

Learned counsel for the State submits that the selection process was taken up in the year 2019 and at this stage the selection process is over. It is, however, not known as to whether the vacant posts, if any, have been notified in the next vacancy.

Be that as it may, since this Court finds that the



petitioner has already made a representation before the Collector, Sitamarhi as contained in Annexure- '6' to the writ application but the same is pending consideration and no communication is said to have been made to the petitioner on his representation, this Court directs the Collector, Sitamarhi (respondent no.4) to consider the representation of the petitioner and take an appropriate view of the same in accordance with law. An appropriate order in this regard shall be communicated to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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