

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.258 of 2023

1. Kumar Yubraj Son of Om Prakash Rai, Resident of Village-Shardha Nagar, Ward No.-27, P.O. and P.S.-Saharsa, District-Saharsa.
2. Prashant Kumar, Son of Pradip Kumar, Resident of Village-Madhepura Dhala, Ward No.-19, Purab Bazar, P.O. and P.S.-Saharsa, District-Saharsa.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Selection Committee Saharsa through its Secretary.
5. The District Magistrate-cum-Chairman, District Selection Committee, Saharsa
6. The Deputy Development Commissioner-cum-Secretary, District Selection Committee, Saharsa
7. The District Panchayati Raj Officer-cum-Member Secretary, District Selection Committee, Saharsa
8. The Additional Collector (Establishment)-cum-Member, District Selection Committee, Saharsa
9. Abhijit Kumar, son of Sri Shivchandra Prasad Yadav, Resident of At Near Hospital, Ward No. 2, Simri Bakhtiyarpur, P.O.-Simri Bakhtiyarpur, P.S.-Bakhtiyarpur, District-Saharsa.
10. Prabhash Kumar Prabhakar, son of Sri Surendra Bhushan Yadav, resident of Village-Amaha, Ward No. 6, P.O.-Amaha, District-Supaul.
11. Sunita Kumari, Daughter of Sri Bindeshwari Yadav, resident of Village-Bela, P.O.-Barahsher, District-Saharsa.
12. Palak Kumari, Daughter of Yogendra Prasad Yadav, resident of Dhala Bypass Road, Ganjala, Ward No. 35, At Railway Polytechnic, District-Saharsa.
13. Neelam Kumari, Daughter of Yogendra Paswan, resident of Village and P.O.-Bajjnathpur, P.S.-Sour Bazar, District-Saharsa.
14. Shahnawaz Anjum, son of Md. Shafique Ansari, resident of Khazanchi Hat, near Jama Masjid, District-Purnea.
15. Mani Kant Kumar, son of Sri Vishnudeo Prasad Yadav, resident of Village-Rampur, P.O.-Rahua via Simri Bakhtiyarpur, P.S.-Sour Bazar, District-Saharsa.
16. Jay Kumar, son of Chandeshwari Prasad Yadav, resident of Village and P.O.-Mathahi, P.S.-Madhepura, District-Madhepura.

... .. Respondents

Appearance :



For the Petitioner/s : Mr. Alok Kumar Sinha, Senior Advocate
Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2023 Heard Mr. Alok Kumar Sinha, learned Senior Counsel assisted by Mr. Bhola Kumar, learned counsel for the petitioners and Mr. Prabhat Ranjan, learned AC to GP-6 for the State.

Petitioners in the present case are seeking quashing of the Supplementary Selection List of Technical Assistants in the District of Saharsa containing names of four candidates (Respondent Nos. 9 to 12) as contained in Memo No. 1696 dated 15.11.2022 issued by the District Magistrate, Saharsa (Respondent No. 5). The petitioners are further praying for quashing of the draft list of candidates of Technical Assistant as contained in Memo No. 77 dated 17.01.2019 and final merit list of Technical Assistant candidates as contained in Memo No. 428 dated 22.06.2020 issued by the respondent District Selection Committee, Saharsa.

Learned Senior Counsel for the petitioners submits that in final merit list (Annexure 'P-7'), the District Selection Committee incorporated the name of several such candidates who were not having their Diploma in Civil Engineering from recognized polytechnic. Referring to the resolution of the Panchayati Raj Department as contained in Memo No. 4046 dated 25.07.2018 (Annexure 'P-7'), learned Senior Counsel submits that



the requisite qualification clause specifically states therein that for the post of Technical Assistant, the candidate must have the minimum qualification of Diploma in Civil Engineering from a recognized polytechnic. It is stated that in the merit list, the names of respondent nos. 13 to 16 who were not having the requisite qualification from a recognized polytechnic were included. The petitioners and others submitted their grievance as respect the final merit list by filing a representation dated 02.09.2020 as contained in Annexure 'P-8' series.

Learned Senior Counsel submits that copy of the representation alleging that the candidates who were not possessing requisite qualification from recognized polytechnic have been incorporated in the merit list, was sent to all the competent authorities including the Principal Secretary, Panchayati Raj Department, Commissioner, Koshi Division, District Magistrate, Saharsa, Deputy Development Commissioner, Saharsa and the District Panchayati Raj Officer, Saharsa but no heed was paid to those representations.

Learned Senior Counsel submits that from Memo No. 255 dated 22.06.2021 (Annexure 'P10'), it would appear that in course of verification of some of the certificates, those were found forged and the appointment of one Manish Kumar and Shashi Kumar were cancelled. Referring to Annexure 'P-11' which is the



Supplementary Selection List, learned Senior Counsel alleges that the four candidates who have been found placed in the Supplementary Selection List are respondent nos. 9 to 12. It is stated in paragraph '16' of the writ application that respondent nos. 9 to 12 were ineligible to be selected on the post of Technical Assistant inasmuch as they do not fulfill the minimum eligibility criteria and do not possess the Diploma in Civil Engineering from a recognized polytechnic as required.

Learned Senior Counsel has submitted that a mass scale illegality has been committed in the selection process by the District Selection Committee which needs to be examined by the competent authority.

Learned counsel for the State submits that as regards the grievance of the petitioners, even as they seem to have filed representations contained in Annexure 'P-8 series', it would only be just and proper that fresh representation, if so advised, with all averments be made before the District Magistrate, Saharsa and the same may be examined by the District Magistrate, Saharsa within a stipulated period.

Having regard to the kind of the submissions noted hereinabove, at this stage, this Court deems it just and proper to grant liberty to the petitioners to file fresh representations with all supporting materials before the District Magistrate, Saharsa within



a period of six weeks from today. If such representation/application is filed within the stipulated period hereinabove, the District Magistrate, Saharsa shall be obliged to examine each and every aspect mentioned therein and take an appropriate view of the matter by passing a reasoned order thereon within a period of three months from the date of receipt of the representation/application.

In case, the District Magistrate fails to act within the aforesaid period, the Principal Secretary, Panchayati Raj Department, Government of Bihar (Respondent No. 1) shall call for the records and examine the same at his own level within a period of one month. Respondent No. 1 shall take appropriate action in the matter.

It goes without saying that before passing any order, the District Magistrate or the Principal Secretary, Panchayati Raj Department, as the case may be, shall give appropriate opportunity of hearing to the persons who are likely to be affected by such order. It is also recorded at this stage that this Court has not formed any opinion on the merit of the contentions and it will be open for those authorities to take appropriate view of the matter.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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