

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2980 of 2020

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1. Sanjeev Kumar, Son of Singeshwar Pandit R/o-Vill.-Meerachak, P.S.-Zero Mile in the District of Bhagalpur.
 2. Md. Imdad Ali, Son of Late Khurshid, R/o Vill.-Ishachak, Police Station-Ishachak in the District of Bhagalpur,
 3. Md. Imran Rayee, S/o Md. Siddique, R/o of Vill.-Mustafapur, P.S.-Barari in the District of Bhagalpur.
 4. Md. Mustaque Aalam, Son of Late Abdul Rasid, R/o of Vill. Mustafapur P.S.-Barari in the District of Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Cum home Commissioner Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Bhagalpur.
3. The Principal Secretary General administration Govt. of Bihar Patna.
4. The Deputy Collector, Bhagalpur
5. The Deputy Development Commissioner, Bhagalpur.
6. The Senior Deputy Collector, District Establishment Section, Bhagalpur.
7. The I.T. Manager, Collectariate Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj (GP-5)
		Ms. Shalini (AC to GP-5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-01-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed directing the respondent authorities to revise the final merit list reckoning the seniority from respective date of birth of the candidates and put the name of the petitioners in the final revised list at their respective seniority in accordance with their date of birth.



Further prayer has also been made to provide opportunity to the petitioners for forthcoming appointments as Group-D employee against the vacant/sanctioned post in Bhagalpur district for which merit list has been prepared and also directed the respondents to pay all consequential benefits to the petitioners for which they are entitled after appointment as Group-D employee.

3. Learned counsel for the State and learned counsel for the petitioner jointly accepts that the present writ petition has been covered in the light of the judgment in the case of ***Kapil Kumar & Ors. Vs. The State of Bihar & Ors. passed in Civil Writ Jurisdiction Case No. 18612 of 2019 dated 18.12.2019*** in which direction has been given by this Hon'ble Court to the respondents to proceed to adopt a fair process of selection on the basis of application received pursuant to the said advertisement by holding a written examination and it has also been directed that in the district of Gaya, East Champaran and other districts, the State Government will have to ensure that the selection are made strictly in accordance with law and prove in the light of observations made by this Court and respondents are restrain from adopting any other mode of selection and appointment against Class-IV post in question in Collectorate



and its attached offices.

4. In this regard, the State of Bihar has framed a rule in the year 2023 for selection and appointment of Class-IV post namely “बिहार कार्यालय परिचारी/परिचारी (विशिष्ट) (भर्ती एवं सेवा शर्तें) नियमावली, 2023”. The said selection and appointment has to be made following by advertisement and examination conducted by Bihar State Selection Commission, Patna.

5. In this background, the present writ petition is disposed off directing the petitioners and respondents to appear in the selection process and raise their grievances only under the said rule framed by the State.

6. With this direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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