

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1792 of 2024

1. Mandip Kumar Son of Shivraj Paswan, Resident of village - Baniya, P.O. Nagmatiyani, P.S. Madanpur, District - Aurangabad.
2. Dhananjay Kumar, S/o Gupteshwar Prasad, resident of village - Badwan Basantpur, P.O. Devaria Kala, P.S. Fesar, District - Aurangabad.
3. Kanhaiya Paswan, S/o Raja Ram Paswan, resident of Village Rawal Bigha, P.O. Kunda, P.S. - Muffasil, District - Aurangabad.
4. Rahul Kumar, S/o Ashok Kumar, resident of Village- Karma Bhagwan, P.O. Karma Bhagwan, P.S. - Aurangabad (M), District - Aurangabad.
5. Ramji Kumar, S/o Ashok Ram, Resident of Mohalla Bus- Dipo, P.O., P.S. and District - Aurangabad.
6. Pankaj Kumar, S/o Raja Ram, Resident of Village - Kushi, P.O. Karma Bhagwan, P.S. - Aurangabad (M), District - Aurangabad.
7. Sunil Kumar, S/o Lalan Ram, resident of Village- Kushi, P.O. Karma Bhagwan, P.S. Muffasil, District - Aurangabad.
8. Chandra Deo Sao, S/o Baijnath Sao, resident of Village Karma Bhagwan (Govind Chak), P.O. Karma Bhagwan, P.S. Muffasil, District - Aurangabad.
9. Pankaj Kumar Sinha, S/o Rameshwar Prasad, resident of village Bharundha, P.O. and P.S. - Risiup, District - Aurangabad.
10. Dipak Kumar Varma, S/o Ram Narayan Varma, Resident of Village- Bharundha, P.O. and P.S. Risiup, District - Aurangabad.
11. Deepak Kumar, S/o Krishna Prasad Gupta, resident of Village - Jasoia, P.O., P.S. and District - Aurangabad.
12. Munna Yadav, S/o Karu Yadav, resident of village- Jasoia, P.O, P.S. and District - Aurangabad.
13. Sunil Kumar, S/o Shyam Kishore Prasad, resident of Village - Patanwan, P.O. - Pandrawa, P.S. - Jamhore, District - Aurangabad.
14. Shyam Kishore Singh, Son of Ram Pravesh Singh, Resident of Village - Jagdishpur, P.O. Bhartholi, P.S. Jamhore, District - Aurangabad.
15. Neeraj Kumar, Son of Sri Dwarika Paswan, Resident of Village- Ramnagar Karma Road, P.S. Aurangabad Town, District - Aurangabad.
16. Mukesh Thakur, Son of Janardhan Thakur, Resident of village - Thana Bigha, P.O. Unthu, P.S. Pesar, District - Aurangabad.
17. Santosh Kumar Singh, Son of Sri Ram Chandra Singh, Resident of Mohalla Dani Bigha, P.O. and P.S. and District - Aurangabad.
18. Mritunjay Kumar, Son of Shiv Shankar Dayal Mishra, Resident of Village Tiwary Bigha, P.S. Aurangabad Town, District - Aurangabad.
19. Vinod Paswan, Son of Puran Paswan, Resident of Village- Suja Karma Tola Azaj Bigha, P.S. Aurangabad Muffasil, District - Aurangabad.
20. Rajaram Kumar, Son of Lalo Ram, Resident of Village - Narsiha, P.O. Chaukhara, P.S. and District - Aurangabad.



- 21. Raj Kumar, Son of Sadhu Charan Choudhary, Resident of Mohalla - Biratpur Near Rajshree Vidhya Mandir, P.S. and District - Aurangabad.
- 22. Prajjuwal Yadav, Son of Sri Jagdish Yadav, Resident of Village- Kushi, P.O. Karma Bhagwan, P.S. Aurangabad M, District - Aurangabad.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Principal Secretary, General Administration, Govt. of Bihar, Patna.
- 2. The Principal Secretary, General Administration, Govt. of Bihar, Patna.
- 3. The Commissioner, Magadh Division, Gaya.
- 4. The District Magistrate, Aurangabad.
- 5. The District Establishment Deputy Collector, Aurangabad, Bihar.
- 6. The Chief Engineer, Irrigation Department, Aurangabad, Bihar.
- 7. The Executive Engineer, Building Division, Aurangabad.
- 8. The Rural Engineering Organization, Works Division, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Alka Singh
For the Respondent/s : Mr.Government Pleader 3

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). To issue an appropriate writ preferably in the nature of 'Mandamus' Commanding upon the respondent authorities to initiate and conclude the selection processes for appointment of the petitioners on Class IV post in the District of Aurangabad in terms of the General Administration Department, Government of Bihar has issued notification bearing File No. 17975 dated 22.09.2023 with regard to framing of Rules named (Bihar Office Peon/Peon (Special)



(Recruitment and Service Conditions) Rules, 2023, Rule 13 (i) of the said Rules however provide that any process of selection/appointment initiated in compliance to any judicial order, if is yet to be concluded, shall be concluded in accordance with earlier Rules (Annexure-P/12).

(ii). To issue an appropriate writ, preferably in the nature of Certiorari for setting aside the memo no.5983 dated 23.6.2020 issued under the signature of Additional Secretary to the Government, General Administration Department, Government of Bihar whereby and whereunder District Magistrates and other authorities have been restrained from making appointment on Class-IV posts under earlier published advertisements and the Bihar Staff Selection Commission, Patna has been directed to publish fresh advertisement for the existing posts.

(iii). To hold and declare that the Bihar Group D (Appointment and Service Conditions) Rules, 2010 enacted in the name of Hon'ble Governor, Bihar cannot be annulled by a Memo/Executive Instruction issued by Secretary of the State Government.

(iv). To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to initiate and conclude the selection processes for appointment of the petitioners on Class-IV post in the District of Aurangabad in terms of order dated 1.8.2017



passed by this Hon'ble Court in C.W.J.C. No. 15771 of 2016 and other analogous cases and order dated 26.7.19 passed by this Hon'ble Court in C.W.J.C. No. 10967/2018 and other analogous case obeying the direction as made by the Govt. of Bihar vide AP/12.”

2. After some arguments, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the Respondents authorities for redressal of their aforesaid grievances. Liberty, so sought, is granted.
3. The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

