

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2171 of 2019

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Ashok Paswan S/o Ramkhelavan Paswan R/o Village Gotarain PS Nardiganj
District Nawada

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Through The Chief Secretary Government Of Bihar Patna
2. The Commissioner Magadh Division Gaya Gaya
3. The District Magistrate cum Collector Nawada District Nawada Nawada
4. The Deputy Development Commissioner Nawada Bihar
5. The District Nazarat Deputy Collector ,Nawada Bihar
6. The Subdivisional Officer Nawada Bihar
7. The Sub Divisional Officer Rajauli Nawada Patna
8. The Principal Secretary Vigilance Department Patna Patna
9. The Superintendent of police Vigilance Investigation Bureau, Patna Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mr. Dhurendra Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 11-11-2024

Heard the parties.

2. The petitioner is aggrieved by the order dated 22.05.2018 as contained in Memo No. 274 passed by the learned District Magistrate, Nawada to the extent, whereby the claim of the petitioner for his regularization has been turned down.

3. Learned Advocate for the petitioner contended that the petitioner has been working as daily wager against Class-IV

post since long. Despite his continuous services for a long period, when his claim has not been considered for regularization, he moved before this Court in C.W.J.C. No. 15428 of 2010. The learned Court having considered the grievance of the petitioner has disposed off the writ petition with a direction to the petitioner to file a representation before the respondent no. 2, the District Magistrate, Nawada, to consider the claim of the petitioner and pass a reasoned and speaking order. Pursuant to the aforementioned direction, the petitioner filed a detailed representation. However, the claim of the petitioner has turned down by Annexure-5 to the writ petition, which is put to challenge.

4. Learned Advocate for the petitioner further contended that irrespective of the fact that the petitioner fulfilled all the eligibility criteria to be appointed against Class-IV post and his name figured at Serial No. 672 of the merit list of Class-IV employees, his case has not been considered and finally the claim has been rejected, in a most arbitrary manner. It is also the contention of the petitioner that the respondent authorities have not pursued the selection process in terms of Advertisement No. 01/2012, despite the specific direction of this Court.

5. On the other hand, learned Advocate for the State

respondents drawing the attention of this Court to the impugned order as contained in Annexure-5 to the writ petition, has contended that identically situated daily wagers, on account of non-compliance of the order of this Court had approached before this Court in M.J.C. No. 207 of 2014; the learned Court having taken note of the difficulties in pursuing the selection process, in terms of Advertisement No. 01 of 2012, has dismissed the contempt petition vide order dated 15.02.2018.

6. This Court has also perused the order passed by the learned Single Judge in M.J.C. No. 204 of 2014. The stand of the District Magistrate is also taken note of while dismissing the contempt petition, wherein, it has been averred that after the Resolution No. 2937 dated 31.10.2011, the State Government has fixed the educational qualification for any future appointment on Class-IV as Xth in the State of Bihar. Further, vide Memo No. 09.04.2015 of the District Establishment Committee, Nawada, the appointment process in terms of advertisement dated 29.11.2012 has been unanimously stopped, following the detailed and reasoned order of the Commissioner dated 13.12.2014, in relation to age relaxation sought to be given by the advertisement.

7. Having considered the show cause and reply to the

rejoinder filed by the District Magistrate, the Court does not find any reason to proceed with the contempt petition and finally it came to be rejected. Admittedly, the petitioner was working as daily wager and he had approached this Court for his appointment against the Class-IV post. Since the Advertisement No. 01 of 2012 has not been proceeded with on account of the reasons disclosed in the impugned order, coupled with the fact that the life of a panel is also meant for a year, this Court has left with no option but to dismiss the writ petition.

8. Suffice it to observe that in case a fresh advertisement is issued by the State Government, the petitioner shall be at liberty to file fresh application, if he is otherwise found eligible.

9. The writ petition stands dismissed with the liberty aforesaid.

(Harish Kumar, J.)

Jyoti Kumari/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.11.2024
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