

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2415 of 2019

Subheshwar Ray, son of Jay Dev Ray, resident of Village and P.O- Telhar,
P.S.- Mahishi, District- Saharsa Presently residing at Bhagwati Sthan, At-
Sarahi, Ward No.5 Nagar Parishad, P.S. and District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Labour Employment and Training department, Government of Bihar, Patna
2. Commissioner, Koshi Division, Saharsa
3. District Magistrate, Saharsa
4. Deputy collector, Establishment, Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh (Gp26)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-11-2024

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondent authorities to appoint him on any Class-IV post, by including his name in the gradation list of 2018, wherefrom appointments are being made selecting the candidates much junior to him.

3. Learned Advocate for the petitioner contended that the petitioner has been working as a daily wager in the District of Saharsa and his name was duly placed at serial no.194 in the panel prepared in 1993-94. Likewise, at serial no.107 in the panel prepared in the year 1997. On being found



eligible, the petitioner applied for his appointment on Class-IV posts in terms of the Advertisement no. 03/2006. It is further contended that subsequently a list of the candidates was prepared pursuant to the order passed by this Court in M.J.C. No. 1001 of 2006, arising out of C.W.J.C. No. 4021 of 2000, wherein the name of the petitioner had finally been placed at serial no. 59. Despite the position obtained by the petitioner in the gradation list, his name has not been considered for appointment on the said post. It is also contended that the persons junior to the petitioner have been appointed ignoring his claim.

4. A counter affidavit has been filed on behalf of respondent nos. 2 to 4. Categorical averments have been made therein that admittedly the name of the petitioner was found placed at serial no.59 of the final gradation list of Class-IV, published in the year 2017 vide Memo No. 4/Estt. Dated 17.03.2017 under the Extremely Backward Class Category (EBC). So far the contention of the petitioner that in the year 2018, a further gradation list has been prepared is wholly incorrect. It is further contended that pursuant to the advertisement aforementioned, on preparation of gradation list, a total of 14 candidates under the EBC category, senior to the



petitioner, were found placed. As per the reservation roster approved by the competent authority, a total of 07 vacant post of Class-IV under the EBC category were available, against which 07 empaneled candidates, all senior to the petitioner in the panel, were recommended for appointment by the District Selection Committee, Saharsa in its meeting dated 13.03.2018 vide Memo No. 406/Estt.; out of which only 04 of the eligible candidates were appointed. The copy of the aforementioned letters have also been placed on record as Annexures- B, C and D. It is further contended that none of the persons junior to the petitioner under the EBC category has been appointed and, as such, the contention of the petitioner causing discrimination has no substance.

5. Having considered the submissions advanced on behalf of the learned Advocates for the respective parties and taking note of the fact that all the available vacancies of Class-IV posts under the EBC category have got filled up by the appointment of the candidates senior to the present petitioner in the panel and there has been no vacancy available in terms of the advertisement noted hereinabove; This Court does not find any merit in the present writ petition. Accordingly, the present writ petition stands dismissed.



6. The petitioner is at liberty to file his application against any future vacancies advertised; if found eligible.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.11.2024
Transmission Date	NA

