

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4481 of 2022

1. Uday Kumar Singh Son of Deo Narayan Singh Resident of Village- Nayagaon, Police Station- Nayagaon, District- Begusarai.
2. Ram Shankar Singh Son of Prem Khelawan Singh Resident of Village- Nayagaon, Police Station- Nayagaon, District- Begusarai.
3. Hare Ram Mochi Son of Mukhlal Moch Resident of Village- Mahmadpur, Police Station- Nayagaon, District- Begusarai.
4. Kamal Narayan Rai Son of Late Jaideo Rai Resident of Village- Suro, Police Station- Bachwara, District- Begusarai.
5. English Kumar Rai Son of Late Jaideo Rai Resident of Village- Suro, Police Station- Bachwara, District- Begusarai.
6. Ram Pramod Paswan Son of Late Ram Sagar Paswan Resident of Village- Narepur Diara, Police Station- Bachwara, District- Begusarai.
7. Kailash Sah Son of Baleshwar Saw Resident of Village- Narepur West, Police Station- Bachwara, District- Begusarai.
8. Ramashish Thakur Son of Late Pyare Thakur Resident of Village- Chakdad Vishwakarma Tola, Police Station- Teghra, District- Begusarai.
9. Subodh Mishra Son of Late Babu Lal Mishra Resident of Village- Danialpur, Police Station- Teghra, District- Begusarai.
10. Ashok Yadav son of Late Ram Chandra Yadav Resident of Village- Mutlupur Chakdad, Police Station- Teghra, District- Begusarai.
11. Ganesh Chaudhary Son of Fulo Chaudhary Resident of Village- Hasanpur Gaura-4, Police Station- Teghra, District- Begusarai.
12. Ashok Thakur Son of Late Kameshwar Thakur Resident of Village- Bahadurpur, Police Station- Alauli, District- Khagaria.
13. Ashok Singh Son of Late Shripukar Singh Resident of Village- Bahadurpur, Police Station- Alauli, District- Khagaria.
14. Dilip Kumar Paswan Son of Late Kamleshwar Paswan Resident of Village- Bakhri, Police Station- Bakhri, District- Begusarai.
15. Radhe Shyam Das Son of Bigwan Das Resident of Village- Jailakh, Police Station- Bakhri, District- Begusarai.
16. Jitendra Kumar Siromani Son of Ramjee Paswan Resident of Village and Police Station- Bakhri, District- Begusarai.
17. Phul Kumar Singh Son of Late Jagdish Prasad Singh Resident of Village- Bahadurpur, Police Station- Alauli, District- Khagaria.
18. Ram Bhajo Das Son of Late Abodhi Das, Resident of Village- Jailakh, Police Station- Bakhri, District- Begusarai.
19. Arjun Paswan Son of Kiro Paswan Resident of Village- Bhatdiha, Police Station- Bhagwanpur, District- Begusarai.
20. Dinesh Prasad Son of Ram Chandra Mahto Resident of Village- Basahi, Police Station- Bhagwanpur, District- Begusarai.



21. Anil Sah Son of Late Nepali Sah, Resident of Village- Bhagwanpur, Police Station- Bhagwanpur, District- Begusarai.
22. Suresh Kumar Son of Late Paremswari Paswan Resident of Village- Gara, Police Station- Birpur, District- Begusarai.
23. Ram Lakhan Paswan Son of Kiro Paswan Resident of Village- Handalpur, Police Station- Bhagwanpur, District- Begusarai.
24. Bishwanath Paswan Son of Shrilal Paswan Resident of Village- Gara, Police Station- Birpur, District- Begusarai.
25. Sudhir Prasad Son of Late Baleshwar Paswan Resident of Village- Chandaaur, Police Station- Bhagwanpur, District- Begusarai.
26. Mahesh Paswan Son of Ramashish Paswan Resident of Village- Gara, Police Station- Birpur, District- Begusarai.
27. Jay Prakash Mahto Son of Manik Mahto Resident of Village- Paharpur, Police Station- Balia, District- Begusarai.
28. Pushpa Kumar Paswan Son of Hardayal Paswan Resident of Village- Sanha West, Police Station- Sahebpur Kamal, District- Begusarai.
29. Ashok Kumar Son of Baldeo Mahto Resident of Village- Paharpur, Police Station- Balia, District- Begusarai.
30. Sudhanshu Kumar alias Ravindra Kumar Gupta Son of Late Kamleshwar Prasad Resident of Village- Manha, Police Station- Barauni, District- Begusarai.
31. Rajesh Kumar Gupta Son of Kaleshwar Prasad Gupta Resident of Village- Shokhara, Police Station- Barauni, District- Begusarai.
32. Bharat Lal Paswan Son of Dhorai Paswan, Resident of Village- Tilrath, Police Station- Barauni, District- Begusarai.
33. Surendra Pandit Son of Ram Chaltar Pandit, Resident of Village- Asarsh Nagar Lagauli, Police Station- Barauni, District- Begusarai.
34. Ranjan Prasad Vaishya Son of Kamleshwar Praad Vaishya, Resident of Village- Mahna, Police Station- Barauni, District- Begusarai.
35. Jitendra Pandit Son of Anandi Pandit Resident of Village- Jinedpur, Police Station and District- Begusarai.
36. Prem Kishore alias Sanjay Kumar Son of Kamleshwar Prasad Vaishya, Resident of Village- Mahna, Police Station- Barauni, District- Begusarai.
37. Sanjay Kumar Poddar Son of Ram Sagar Poddar, Resident of Village- Tilrath, Police Station- Barauni, District- Begusarai.
38. Chandradeo Paswan Son of Feku Paswan Resident of Village- Tilrath, Police Station- Barauni, District- Begusarai.
39. Om Prakash Sah Son of Mahabir Prasad Sah Resident of Village- Adarsh Nagar Tilrath, Police Station- Barauni, District- Begusarai.
40. Ashok Rai Son of Sri Ram Singh Resident of Village- Biht Garhara, Police Station- Barauni, District- Begusarai.
41. Shyam Bihari Verma Son of Saudagar Verma Resident of Village- Parbanda, Police Station- Birpur, District- Begusarai.



42. Pramod Kumar Singh Son of Brahmdeo Singh, Resident of Village- Paspura, Police Station- Mufassil, District- Begusarai.
43. Surendra Mahto Son of Ganauri Mahto Resident of Village- Lakho, Police Station and District- Begusarai.
44. Bipin Kumar Sah Son of Jageshwar Sah, Resident of Village- Nayatola Bajitpur, Police Station and District- Begusarai.
45. Ram Kumar Tanti Son of Khakhar Tanti Resident of Village- Khambhar, Police Station and District- Begusarai.
46. Narendra Kumar Son of Dhodhai Paswan Resident of Village- Tilrath, Police Station- Barauni, District- Begusarai.
47. Janardan Prasad Son of Shiv Jivan Sah Resident of Village- Kamla, Police Station- Cheriya Bariyarpur, District- Begusarai.
48. Bharat Chaudhary Son of Late Ram Charitra Choudhary, Resident of Village- Maksapur, Police Station Cheriya Bariyarpur, District- Begusarai.
49. Yogendra Rai Son of Late Hardeo Rai, Resident of Village- Sikandarpur, Police Station and District- Begusarai.
50. Jagdish Das Son of Chhotan Das Resident of Village- Mahmadpur Gautam, Police Station- Nayagaon, District- Begusarai.
51. Chandrahas Singh Son of Siyaram Singh Resident of Village- Babhangama, Police Station- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, At and P.O. Munger, District- Munger.
3. The Collector, Begusarai, At and P.O.- Begusarai, District- Begusarai.
4. The Chairman-Cum- District Establishment Committee, Begusarai, At and P.O.- Begusarai, District- Begusarai.
5. The Civil Surgeon-Cum- Chief Medical Officer, Begusarai, At and P.O.- Begusarai, District- Begusarai.
6. The District Malaria Officer, Begusarai, At and P.O.- Begusarai, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Atul Shankar, Advocate Mr.Rajesh Ranjan, Advocate Ms.Kanika, Advocate
For the Respondent/s	:	Mr.Pankaj Kumar (Sc 12) Mr.Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 23-01-2024

1. The present writ petition has been filed seeking the following relief(s):-

“1. That through this application, the petitioners pray for the issuance of a writ in the nature of the writ of certiorari for quashing the order vide memo no. 520 dated 4.5.2016 passed by the District Magistrate Begusarai as contained in annexure- 6 whereby and whereunder the respondent no. 3 has rejected the representation of the petitioners to consider their case in the light of the orders passed by this Hon'ble Court in C.W.J.C. No.20589 of 2012 and C.W.J.C. No.11798 of 2011 as directed by this Hon'ble Court and for the consequential relief to issue a direction to the respondents to consider the case of the petitioners for their appointment on Class IV post after granting the relaxation of age.”

2. The learned counsel for the petitioners has submitted that the present writ petition has been filed for setting aside the order dated 04.05.2016, passed by the District Magistrate, Begusarai, on the ground that the same has erroneously proceeded on the assumption that no relaxation can be granted to the petitioners inasmuch a learned Division Bench of this Court by a judgment dated 19.12.2023, passed in LPA No.548 of 2013 has observed that if the State Government



publishes any advertisement and the private respondents of the said case apply in response to the same, the respondent-State shall consider their candidature, in accordance with law, including any circulars, issued for grant of weightage, etc to the persons working on daily wage since an earlier time.

3. Per contra, the learned counsel for the respondent-State submits that the aforesaid judgment dated 19.12.2023 is restricted to the private respondents of the said case and cannot be applied in the case of the petitioners. The learned counsel for the respondents has sought to rely upon a judgment dated 04.03.2014, passed in LPA No.427 of 2013 to contend that yet another learned Division Bench of this Court has held that all the vacancies in class IV cadre, in the district of Begusarai, shall be filled up by holding the recruitment process afresh and no person placed in the past panels will have any right to priority or preferential right on account of their placement in such panels and the waitlist shall be prepared, which shall not be more than 3% of the select list and upon expiry of one year from the date of merit list, the same shall expire and shall not operate further.

4. I have heard the learned counsels for the parties and perused the materials on record, from which it is apparent that the aforesaid judgment dated 19.12.2013 is only restricted to the



private respondents of the said case, whereas on the contrary one another learned Division Bench of this Court by the aforesaid judgment dated 04.03.2014, has issued clear directions in the following terms:-

“All vacancies in Class IV cadre in the district of Begusarai will be filled in by holding the recruitment process afresh. The persons placed in the past panel/s will not have a right to priority or a preferential right on account of their placement in such panel/s.

The appellants will prepare a select list for filling up the vacancies existing on the date of advertisement or the date of calling names from the employment exchange office, whichever procedure the concerned authority opts to follow. A wait list may be prepared which shall not be of more than three percent of the select list. The wait list may be operated for a period of one year in case the selected candidate does not accept the offer of appointment. After expiry of the period of one year from the date of the merit list, the same shall expire and shall not be operated further. This order shall replace all the earlier orders.”

5. Having regard to the aforesaid aspect of the matter, this Court finds that the order dated 04.05.2016, passed by the District Magistrate, Begusarai, declining grant of any relaxation



to the petitioners does not suffer from any infirmity, hence the present writ petition stands dismissed.

6. At this juncture, the learned counsel for the petitioners though seeks liberty on behalf of the petitioners to apply afresh, in case any fresh recruitment process is initiated by the respondents, however, seeks a direction upon the respondents to consider their case sympathetically and in accordance with law. It is directed accordingly.

(Mohit Kumar Shah, J)

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