

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17852 of 2015

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Kuldeep Yadav S/o Chhote Lal Yadav, Resident of Village - Kalyanpur, P.S.
and District - Jamui.

... .. Petitioner/s

Versus

1. District Selection Committee through District Magistrate, Jamui.
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. Divisional Commissioner, Munger Division, Munger.
5. District Magistrate cum Chairman, District Selection Committee, Jamui.
6. Nazarat Deputy Collector, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s	:	Mr. Mahendra Prasad Verma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 08-01-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs :-

*“I. That, for commanding and directing the
respondents to ensure the appointment of
petitioner on the vacant sanctioned Gr. D Post in
Jamui Collectorate and other Government offices
in the Jamui District, as the petitioner being an*



empanelled candidate of 2003, but in 2013 when panel was revised his candidature has been illegally and arbitrarily rejected for want of renewal of his name in employment exchange, whereas vide order dated 08.11.2012 passed in MJC No. 2950 of 2012 arising out of same 2003 panel, in the mid of preparation of revision of panel respondent no. 3 has undertaken before this Hon'ble Court that contempt petitioners will not require to apply through employment exchange. Be that as it may instead of giving preference in the new panel his candidature has been rejected for want of renewal of his name in the employment exchange.

II. That, petitioner further prays for holding that candidature of petitioner has been illegally rejected as he was not required to apply in 2012 with renewed employment exchange number and further for holding that persons below from the petitioner in the panel of 2003 has already been appointed in 2013, 2014, and also 2015 and as such petitioner who stands at serial no. 212 in



2003 panel is also entitled for similar treatment of appointment as has been given to the more than 100 persons of same panel of the year of 2003.

III. That, for any other relief(s) for which petitioner is found entitled in the eye of law.

3. Pursuant to an advertisement in the year 2001, the petitioner and other similarly situated persons have applied for the post in question and name of the petitioner was also figured in 400 candidates and the petitioner was placed at serial no. 212. Thereafter, a number of empanelled persons approached this Hon'ble Court in CWJC No. 15196 of 2004 and the Hon'ble Court after hearing the parties disposed of the writ petition with a direction to the respondents to ensure the appointment of empanelled candidates including the petitioner. Thereafter, the State has preferred LPA No. 709 of 2006 before the Division Bench and the Division Bench after hearing the parties has pleased to dismiss the said LPA vide order dated 04.04.2007.

4. Learned counsel for the petitioner submits that despite of dismissal of LPA No. 709 of 2006, the respondents have not appointed the petitioner and the State-respondent preferred SLP before the Hon'ble Apex Court in SLP (Civil) No. 22237 of



2007, SLP (Civil) No. 22238 of 2007 but in the year 2012 the said SLPs have been withdrawn by the State-respondents.

5. Thereafter, the State authority has issued a fresh advertisement i.e. Annexure-10, pursuant to that the petitioner has also applied for the same but the respondent-authorities has not selected the petitioner on the ground that the name of the petitioner has not come through the Employment Exchange.

6. Learned counsel for the petitioner submits that some of the similarly situated persons have approached the Hon'ble Court in MJC No. 2950 of 2012 for non-compliance of the order dated 04.07.2005 passed in CWJC No. 15196 of 2004 and in the contempt proceeding the Principal Secretary, General Administration Department had appeared before this Court and gave an undertaking before this Hon'ble Court that in light of the advertisement in question the petitioner is not required to apply through the Employment Exchange and petitioner shall also get age relaxation as per the order of this Hon'ble Court.

7. Learned counsel for the petitioner further submits that despite of the clear cut undertaking by the Principal Secretary, General Administration Department, the petitioner has debarred on the ground that the petitioner's name is not with the up-grade Employment Exchange.



8. Considering the aforesaid facts, the District Magistrate-cum-Chairman, District Selection Committee, Jamui (respondent no. 5) is directed to pass a fresh and speaking order within a period of three months from the date of receipt/production of a copy of this order in accordance with Rule, taking into account the aforesaid facts as discussed above.

9. The writ petition stands allowed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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