

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10925 of 2015

1. Dhirendra Kumar Yadav @ Dhirendra Prasad Yadav and Ors S/o Late Maheshwar Prasad Yadav, Resident of Village, P.O. and P.S. Manikpur, District- Madhepura.
2. Shambhu Thakur, S/o Sri Yogendra Thakur, Son of Sri Yogendra Thakur, Resident of Mohalla- Laxmipur, Ward No 11, Madhepura, P.S.- Madhepura, District- Madhepura.
3. Md. Khannuddin, Son of Md. Habib, Resident of Mohalla- Naulokhia, Ward No.1, Madhepura, P.S.- Madhepura, District- Madhepura.
4. Umesh Gupta, Son of Bhikha Gupta, Resident of village- Manpur, P.O.- Bharrahi Bazar, P.S. and District- Madhepura.
5. Shambhu Prasad Yadav, Son of Jamun Prasad Yadav, Resident of Village, P.O. and P.S. Manikpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principle Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Commissioner, Kosi Division, Saharsa.
4. The Collector cum District Magistrate, Madhepura
5. The Deputy Collector Nazarat, Madhepura Collectorate Madhepura.
6. The Deputy Collector Establishment, Madhepura Collectorate Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
		Ms. Nellam Kumari, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 29-11-2024

In the instant petition, petitioners have prayed for the following relief(s):-

"1. That, this writ application is being filed for quashing the order contained in Memo No.750-2 dated 26.08. 2014 issued under the signature of District Magistrate, Madhepura by which the representation filed



by the petitioners has been rejected on nonexistent ground.

This application is also being filed for quashing the contained the order contained in Memo No. 1086-2 dated 5.12.2014 issued under the signature of District Magistrate, Madhepura by which the applications filed by the candidates including the petitioners for inclusion of their names for appointment against class iv post under Madhepura Collectorate, has been rejected.

This application is also being filed for commanding the respondents particularly the District Magistrate, Madhepura to consider the claim of the petitioners for their appointment against sanctioned and vacant class iv post under Madhepura Collectorate and its attached office in response to the advertisement being Communique issued under the signature of District Magistrate Madhepura vide P.R.-1088(Zila)11-12.

This application is also being filed for holding that the impugned orders dated 26.8.2014 and 5.12.2014 as contained in Annexure-1 and 2 respectively are illegal,arbitrary, malafide and without any lawful justification.

This writ application is also being filed for restraining the respondents from giving effect to the impugned orders."

2. Perusal of Annexure-6 read with the impugned order one has to draw inference that in the absence of material information one man inquiry committee proceeded to pass order in favour of the petitioners on 29.07.2011 in recommending for appointment or regularization of the petitioners services. Whereas,



perusal of one man inquiry committee decision dated 29.07.2011 is not reasoned and speaking order. In other words, he should have analyzed the service particulars of each of the petitioner's service from the date of entering into service and other materials. In the absence of those materials, the petitioners have not made out a case. Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

