

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.444 of 2021

In

Civil Writ Jurisdiction Case No.737 of 2021

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1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
 2. Principal Secretary, General Administration Department (Personnel and Administrative Reforms Department), Government of Bihar at Patna.
 3. Directorate of Land Records and Survey, Department of Revenue and Land Reforms Department, Bihar, Patna.
 4. Director, Land Records and Survey Department of Revenue and Land Reforms Department, Bihar, Patna.

... .. Appellant/s

Versus

1. Ashish Prakash Son of Triveni Prasad Resident of Village Jagwani, P.O.- Bhawanipur, Via Singheshwar, P.S.- Gamaharia, District- Madhepura, Application ID JEA/0045105.
2. Md. Reyaz Ali Khan Son of Md. Ali Khan Resident of Village Talkhapur, Dumra, P.O.- Dumra Court, District- Sitamarhi, Application ID JEA/0107007.
3. Rajesh Kumar Tiwari Son of Shrikant Tiwari Resident of Gaurakashni Santoshi Maa Path Street No.11F, Ward No.5, Sasaram, Application ID JEA/0107279.
4. Rahul Kumar Son of Jitendra Prasad Shahi Resident of Harka Kallyan and P.O.- Harka Manshahi, P.S.- Minapur, District- Muzaffarpur, Application ID JEA/0028493.
5. Rajdip Kumar Son of Manoj Yadav Resident of Village and P.O.- Maura Ramnagar, Ward No. 05, P.S.- Shankarpur, District- Madhepura, Application ID JEA/0086348.

... .. Respondent/s

with

Letters Patent Appeal No. 449 of 2021

In

Civil Writ Jurisdiction Case No.10749 of 2020

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1. The State of Bihar through the Additional Chief Secretary, Department of General Administration, Government of Bihar, Old Secretariat, Patna.
 2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna-800015.
 3. The Director, Land Records and Measurement, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna-15.

... .. Appellant/s



Versus

1. Rishikesh Kumar S/o Shri Sanjay Roy, resident of Village and P.O.-Kanhwa, P.S.-Bela, District-Sitamarhi.
2. Mr. Aman Pathak, son of name not known to the petitioner, through the Director, Land Records and Measurement, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna-15.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 444 of 2021)

For the Appellant/s : Mr. Sajid Salim Khan (A.C.-25)

: Mr. R.P.N. Tiwari, AC to SC-25

For the Respondent/s : None

(In Letters Patent Appeal No. 449 of 2021)

For the Appellant/s : Mr. Sajid Salim Khan (A.C.-25)

: Mr. R.P.N. Tiwari, AC to SC-25

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-03-2024

None appears for the respondents. The present LPA is against interim order dated 29.06.2021 passed in CWJC No. 10749/2020 and 12723/2020, gist of the matter is that petitioners Rishikesh Kumar and Ashish Prakash and others are the candidates of recruitment to the post of Special Survey Amin pursuant to the Advertisement No.01/2019 which is stated to have been notified on 04.03.2019. It is to be noted that appointment to the post of Special Survey Amin was on contract basis for a particular period and thereafter it is extendable. Select list was notified in the month of April, 2020 and consequently order of appointment was issued and the selected and appointed candidates have joined service in the month August, 2020. The non-selectees like Rishikesh Kumar



and Ashish Prakash and other preferred CWJC No. 10749/2020 and 737/2021 in questioning certain procedure of selection and appointment to the post of Special Survey Amin. Perusal of the order of learned Single Judge dated 29.06.2021, the learned Single Judge has failed to record to what extent the selecting and appointing authority have committed blunder in the process of selection and appointment to the post of Special Survey Amin so as to issue various interim directions. It is necessary to reproduce interim order dated 29.06.2021 passed in CWJC No.10749/2020 which reads as under :-

“(A) Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

This Court is saddled with litigation involving manipulations in making preparation of the merit list for appointment of Special Survey Amin. Almost in all the writ applications, allegations are levelled that ignoring merits of persons, persons below in the merit list have been recommended, selected and offered appointment. Noticing the large scale complaints of manipulations, the Court is constrained to direct the holding discreet enquiry with regard to preparation of the merit list.

In order to ascertain ground reality, the Court request Mr. K.S. Dwivedi, IPS, Former DGP, presently, Chairman, Central Police Selection Board, Sadar Ballabhbai Patel Bhawan, Bailey Road, Patna to enquire into the affairs of preparation of merit list and submit his report in sealed cover. Respondent-Principal Secretary, Land and Revenue Department is under obligations to provide all necessary information



to the Enquiry Committee of Mr. K.S. Dwivedi including application forms, counselling register, merit list and all other necessary information and documents required by the Committee in the process of completing enquiry in preparation of merit list and selection of Special Survey Amin. Principal Secretary, Land and Revenue Department is also required to provide all necessary infrastructure and facilities including Secretarial Assistants to Mr. K.S. Dwivedi so that he may complete enquiry and submit his report in sealed cover for the benefit of this Court.

Let a copy of this order be communicated to Mr. K.S. Dwivedi, IPS, Chairman, Central Police Selection Board, Sadar Ballabhbhai Patel Bhawan, Bailey Road, Patna and also to the Principal Secretary, Land and Revenue Department, Government of Bihar.

Put up this case along with CWJC No.10749 of 2020 for further hearing on 26th of August, 2021.

(B) Reading of the interim order dated 29.06.2021 cited (supra) has no substance so as to issue direction for holding enquiry in respect of preparation of merit-list of Special Survey Amin post. In other words, interim order is not a speaking order supported by material information so as to issue so many directions for holding enquiry in respect of alleged manipulation in the merit-list what has been manipulated at what point of time on what date, these are the material information which are not forthcoming in the order dated 29.06.2021.”

2. Perusal of the aforementioned order, the learned Single Judge has not referred to any material information and consequently it is bereft of material information and reasons. Hence, it is case for interference.



3. Accordingly, the present LPA stands allowed. Having regard to the fact that LPAs are pending consideration for the last about 3-4 years. The learned Single Judge is requested to decide the aforementioned writ petition within a reasonable period of time. In view of the fact that matter relates to selection and appointment to the post of Special Survey Amin and it is on contract basis.

Accordingly, the present LPA stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.03.2024
Transmission Date	N/A

