

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9084 of 2018

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Aditi Kumari D/o Wakil Jha, R/o Vill.- Hirday Ganj, Koshi Colony, P.O.-
Katihar, P.S.- Katihar, W/o Sri Gopal Jha at PO/PS Finglas , District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District and Session Judge Civil Court, Katihar.
3. The Registrar, Civil Court, Katihar.
4. The Registrar , High Court, Patna.
5. Vivek Kumar S/o Name Not Known, Through the Registrar, Civil Court,
Katihar, P.S. P.O. , District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madhav Roy, Adv Mr. Rakesh Kumar Jha, Adv
For the Respondent/s	:	Mr.Md.Raishul Haque -Sc10
For the High Court	:	Mr. Sanjeev Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-06-2024 Learned counsel for the petitioner and learned
counsel for the State are present.

2. The present writ petition is filed for quashing of the
order/Letter No. 949/2018, dated 13.03.2018 (Annexure-8)
rejecting the candidature of the petitioner on the unsustainable
grounds and further prayer has been made directing the
respondent to appoint the petitioner on the post of Officie
Assistant/Peon (Grounp D Post) in Katihar Judgeship.

3. Counsel for the petitioner fairly submits that the
petitioner has earlier moved before this Court in C.W.J.C. No.
5174 of 2017 in which vide order dated 12.02.2018, Respondent
No. 2 the District and Sessions Judge, Katihar has been directed



to dispose of the representation of the petitioner by reasoned and speaking order within four weeks. He further submits that the petitioner has submitted his representation in which he has raised the claim for consideration of the petitioner's case and grant him horizontal reservation of 35% being a woman in accordance with law with regard to the letter issued by General Administration Department, Government of Bihar, Patna. Counsel for the petitioner further submits that as per the advertisement, which is Annexure-3, the petitioner is entitled for consideration of his case which has been published in Hindustan newspaper on 04.05.2016 in which last date was 03.06.2016 and reservation policy has been issued on 15.02.2016 but the petitioner's case has not been considered at all and a cryptic order has been passed. Therefore, it is requested to set aside the said order impugned contained in Annexure-12 i.e. memo No. 3897 dated 31.10.2017.

4. Learned counsel for High Court submits that there is no case of the petitioner at all. Petitioner has earlier moved before this Court in which direction was made to the respondent to pass reasoned and speaking order and same has been passed. In the said order, the clear stand of the respondent is that the advertisement was directed to be made vide order dated



19.01.2016 whereas reservation policy has been implemented by General Administration Department from 15.02.2016. Therefore, the policy of the Government which has come after the publication of the date of the advertisement shall not apply in the present case.

5. Upon perusal of the documents, it transpires to this Court that the post was advertised in the light of the decision of the Hon'ble High Court dated 23.12.2015 and 19.01.2016 but paper publication was made on 04.05.2016 and the arguments of the petitioner cannot be accepted that publication was made on 04.05.2016 as mentioned in Annexure-3 whereas in the said annexure, it has been mentioned that in the first three line itself that the said post were advertised in the light of direction of the letter of the Patna High Court dated 23.12.2015 and 19.01.2016 whereas the question of horizontal reservation was issued on by the General Administration Department on 05.02.2016.

6. In this view of the matter, this Court finds that there is no need of any interference in the reasoned and speaking order. As such, this writ petition is hereby stands dismissed.

(Dr. Anshuman, J)

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