

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7315 of 2018

1. Md. Dinul Haque S/o Late Shekh Sami Resident of Mohalla - Indrapuri, Post - B.M.P. - 7 camp, P.S. Sahayak Katihar, Distt Katihar - 854106.
2. Kritee Sagar S/o Late Bishnu Deo Prasad Sahay Near Kabir Math Road Bandh Officers Colony P.O. P.S. - Katihar, Dist - Katihar - 854105 Bihar.
3. Kamal Sagar S/o Late Bishnu Deo Prasad Sahay Near Kabir Math Road Bandh Officers Colony P.O. P.S. - Katihar, Dist - Katihar - 854105 Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department, Govt. of Bihar.
3. The Commissioner, Purnea Division, Purnea, Bihar.
4. The District Magistrate, Katihar, Katihar, Bihar.
5. The District Welfare Officer, Katihar.
6. The District Employment Officer, Katihar.
7. The Addl. Collector Establishment, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Waliur Rahman, Adv. Mr. Nishant Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Mr. Irshad, (AC to SC-1)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-04-2024

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ application has been filed for the
following relief(s):-

*(i) For a direction to the concern authority
to revisualise, scrutinies and review the
Panel which has been prepared and
published vide letter no.- 100/Establishment
dated 20/01/06 under the signature of
District Magistrate, Katihar.*

(ii) For a direction to the concern authority to prepare a new panel after scrutinie the old panel so that a bonafide candidate could get a chance of employment in accordance with law as per their merit and Roaster pursuant to Bihar Group- D (Employment and Service Condition) Regulation 2010.

(iii) For further a direction to the concern authority to consider the candidature of these petitioners for Employment in Group-D Category in view of after the preparation of New Panel in accordance with Law, So that they could also get chance of an employment in the concern and respective post in the concern district pursuant to letter no.- 872 dated 29/06/2013.

(iv) For it is also direction to consider the employment of a new person with a person who has been or had been working prior to 1990 in a balance manner, so that the person who are applying a fresh could get a chance of an employment and no discrimination could be made between them.

3. Learned counsel for the petitioners submits that the petitioners had applied for the post of Group-D pursuant to the advertisement made in daily newspaper, contained in letter no. 872 dated 29.06.2013 in Katihar, Collectorate but after applying to the above post pursuant to the above advertisement, the

petitioners were waiting for preparation of new panel but till date, new panel has not come and thereafter, the petitioners have approached before this Hon'ble Court. He further submits that prior to that the petitioners have approached to the respondents several times but nothing happened. He further submits that as per their knowledge, the authorities are appointing some persons on Group-D post from old panel which has been prepared in the year 2006 published under signature of the Collector. He further submits that the petitioners are working in daily wages prior to 11.12.1990. He further submits that petitioners are bonafide candidates, under RTI they have received information that there are series of persons, who were appointed from the old panel but remaining 93 persons are still not been considered and it is due to this reason, the present writ application has been filed.

4. Learned counsel for the State on the other hand submits that the appointment of Group-D post in Government of Bihar have multiple of litigations and there are number of circulars as well as orders passed by this Hon'ble Court in this regard and finally matter traveled up to the Hon'ble Supreme Court and even then, it could not be settled. He further submits that in the light of the recent decision passed in Kapil Kumar case in which order has been approved up to the Hon'ble

Division Bench in which a new Rule has been framed, namely, बिहार कार्यालय परिचारी/परिचारी (विशिष्ट) (भर्ती एवं सेवा शर्तें) नियमावली 2023.

5. Learned counsel for the petitioners further submits that the petitioners may be granted liberty to appear in the examination process which ought to be started in the year 2023.

6. Learned counsel for the State further submits that it may happens that due to span of time, some of the petitioners may not have the basic eligibility, according to Rule 2023.

7. In the light of the submissions made, this Court hereby dispose of the present writ application granting liberty to the petitioners that they shall participate in the advertisement, according to Rule 2023 and since, the earlier advertisement process has not been completed, therefore, the petitioners are hereby granted to participate in the appointment process of 2023 for one time only, even though they may not have the basic eligibility for 2023.

(Dr. Anshuman, J)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024
Transmission Date	NA