

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8520 of 2012

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SHAILENDRA KUMAR PATHAK S/O Sri Gopaljee Pathak R/O Village-
Saisar, Police Station- Dinara, District- Rohtas, At Present Working In
Election Section, Bikramganj Sub-Division, District- Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner-cum-Secretary, Revenue And
Land Reforms Department, Bihar, Patna
2. The District Magistrate, District- Rohtas At Sasaram
3. The Additional Collector, Rohtas At Sasaram
4. The Sub-Divisional Officer, Bikramganj Sub Division, District- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the State : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-03-2024

Heard Mr. Siddharth Harsh, learned counsel for the
petitioner and Mr. Shiv Kumar, learned counsel appearing on
behalf of the State.

2. The present writ petition has been filed for
quashing the notice dated 21.02.2012 passed by the respondent
no.2 by which the claim of the petitioner for appointment on the
class-IV post has been rejected pursuant to the direction of this
Hon'ble Court passed in C.W.J.C. No. 2649 of 2011 vide order
dated 04.07.2011.

3. Learned counsel for the petitioner submits that
the case of the petitioner has not been considered by the



respondent no.2, in fact the petitioner was appointed by the S.D.O., Bikramganj and he is working continuously and the case of the similarly situated persons have been considered by the respondent/authority.

4. Learned counsel for the State submits that pursuant to the direction of this Hon'ble Court passed in C.W.J.C. 2649 of 2011, the respondent no. 2 has passed a detailed order and from a bare perusal of the order dated 22.02.2012 of the respondent no.2 it appears that the petitioner had not produced any evidence which suggest that the petitioner has been appointed by the competent authority and even he has not produced any letter which suggests that the petitioner has been appointed by the competent authority and the S.D.O. Bikramganj is not a competent authority under the law, the District Magistrate is the competent authority and apart from that the service of the petitioner continuously not taken by the respondent authority and it appears from the paragraph nos. 7(i)(ii)(iii)(iv)(v)(vi) of the writ petition and the petitioner has not produced any document regarding his appointment by the competent authority and petitioner has produced a letter which suggest that the petitioner has been appointed on the post of 'Tax Daroga' on 13.06.1986 and he has been continuously



working as clerk on daily basis at Bikramganj Sub-Division District-Rohtas.

5. Learned counsel for the State further submits from a bare perusal of the appointment letter of the Tax Daroga, it appears from the appointment letter annexed by the petitioner that the petitioner was appointed on the post of IV grade. The averments made in the writ petition that the petitioner has been continuously working as clerk on daily basis at Bikramganj Sub-Division, District Rohtas but he has not annexed any paper to suggest that the petitioner has been appointed as a clerk at Bikramganj Sub Division district Rohtas by the competent authority.

6. In view of the aforesaid, there is no merit in the writ petition and the same is dismissed as being devoid of merit, there will be no order as to costs howsoever.

(Rajesh Kumar Verma, J)

ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2024
Transmission Date	NA

