

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11236 of 2024

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Ram Govind Yadav, son of Shri Ram Shankar Yadav, resident of Village-Balani, Police Station-Bahera, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Patna High Court, Patna through the Registrar General, Patna.
3. The District And Sessions Judge cum Chairman, Appointment Committee, Civil Court, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Patna High Court:		Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Nawal Kishor Singh, A.C. to G.P.-26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for Patna High Court.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for quashing the order dated 21.05.2024 passed by the Appointment Committee, Civil Court, Sheikhpura, communicated through letter No. 1704 of 2024 dated 05.06.2024.

3. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in CWJC No. 4424 of 2020 in which vide order dated 22.03.2024 petitioner was directed to file representation before the



Appointment Committee and in compliance of the order the representation was filed on 03.04.2024 whereas his representation was rejected vide order dated 21.05.2024. Learned counsel for the petitioner submits that the Appointment Committee, at the time of passing the order, has relied on the decision dated 16.10.2017 passed in CWJC No. 14136 of 2017, in which it was categorically instructed to stop the appointment and, if any, shall have to be made only after taking leave of this Court. Learned counsel for the petitioner further submits that at the time of passing the said order, the order dated 19.04.2023 passed in LPA No. 650 of 2022 with other analogous cases has not been taken into consideration and only due to this reason this order has been passed.

4. Learned counsel for the State and learned counsel for respondent Nos. 2 and 3 submit that the case of petitioners of LPA No. 650 of 2022 with other analogous cases are different from the case of the petitioner and, therefore, the ratio laid down in the said case, i.e., LPA No. 650 of 2022 dated 19.04.2023, is not applicable in case of the petitioner.

5. In response thereof, learned counsel for the petitioner submits that the order impugned has been passed in compliance of order dated 22.03.2024 passed in CWJC No.



4424 of 2020 and in the said order the discussion with regard to the decision of 19.04.2023 passed in LPA No. 650 of 2022 with analogous cases has been made.

6. In this view of the matter, this Court finds that the Appointment Committee in his decision has not taken into consideration the decision made in LPA No. 650 of 2022, which ought to be made by them. As such, the said decision of the Appointment Committee dated 21.05.2024 is hereby set aside. The Appointment Committee is directed to pass order considering both the orders, in accordance with law, within 60 days from the date of receipt/production of a copy of this order.

(Dr. Anshuman, J.)

Mkr./Aman/-

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