

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13391 of 2012

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1. Mahanand Pathak S/O Late Phokan Pathak R/O Village- Lagunia Raghukanth, P.S.- Samastipur, District- Samastipur
 2. Girindra Mohan Sinha S/O Jitendra Prasad Sinha R/O Village- Kalyanpur Garwa, P.S.- Pusa, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, District- Samastipur
3. The Deputy Collector (Establishment), District- Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra Jha, Advocate
For the State	:	Mr. Sita Ram Yadav, GP-16
		Mr. Yatindra Narayan, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 22-04-2024

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

2. The present writ petition has been filed for the following reliefs :

“(i) For directing the Respondent authorities to consider the case of the petitioners for appointment on Class-IV post in the Muffasil offices under the Collectorate, Samastipur within the district of Samastipur.

(ii) For directing the Respondents to make payment of regular salary along with allowances to the petitioners



pursuant to the above regular appointment on Class-IV post.”

3. Learned counsel for the petitioners submits that the petitioners were working on daily wages basis in the Collectorate of Samastipur since the year 1982. Work was used to be given to them on day to day basis and they have been paid daily wages for the work done by them as per the prevalent rate payable to a daily wager as per the rate fixed by the State Government. Learned counsel for the petitioners submits that the name of the petitioner no. 1 was stood at serial no. 241 in the year 1993-94 panel prepared for the candidates peons for appoint at different offices within the district of Samastipur and the name of the petitioner no. 2 was at serial no. 56/100. Learned counsel for the petitioners submits that in the year 1997 the name of the petitioners were not included in the District Level Panel and others much juniors to the petitioners were included in the District Level Panel and then the petitioners moved this Hon'ble Court in C.W.J.C. No. 1206 of 2002 and the same was disposed of vide order dated 23.10.2008 directing the respondent authorities to consider the claim of the petitioner in the light of the policy decision of the State Government. Thereafter, the petitioners had filed their representation but the authority concerned did not consider the



same and then the petitioners had filed Contempt Petition bearing M.J.C No. 121 of 2009.

4. Learned counsel for the State has filed a counter affidavit and submits that the writ petitioners including twelve (12) persons for including their names in the District Panel of Samastipur Collectorate of the year 1997 filed C.W.J.C. No. 1206 of 2002 (*Arun Kumar Mishra and Others Vs. The State of Bihar and Others*) wherein the name of the petitioners was placed at Serial Nos. 10 and 3 of C.W.J.C. No. 1206 of 2002 and the same was disposed of vide order dated 23.10.2008 and this Court has passed the following orders :

“ It is made clear that if petitioners are entitled to be including in the recent Panel without being recommended by the Employment Exchange afresh in that event their claim should be considered in the light of such policy decisions. It is made clear that this Court has not considered the individual case of the petitioners and such claims shall be decided by the authorities on merit as each claim in accordance with law.

Appropriate decisions should be taken in respect of petitioners claim within a reasonable time and in any case before finalizing the next Panel for the purpose of future appointment.”



5. Thereafter, the petitioners including these petitioners have filed Contempt Petition bearing M.J.C No. 121 of 2009 wherein the opposite parties filed their show cause stating therein that in pursuance of Letter No. 3277 dated 04.07.1996 issued by the Revenue Board only those candidates were to be empanelled who were regular in service. The petitioners absented themselves from their work and hence they were discontinued therefore question of seniority does not arise. The petitioners did not turn up since 1994 on the work and absented themselves according to their own choice but the candidates who were regular on their duty have been empanelled by the respondent-authority and the petitioner did not turn up since 1994 and hence the case of the petitioners did not consider by the concerned authority and now the Bihar General Administration Department, Patna has circulated Memo No. 5983 dated 23.06.2020 and directed to all departments and Collectors of Bihar that a fresh advertisement will be published by Bihar Staff Selection Commission, Patna with regard to the appointment in Class-IV post and the Bihar Staff Selection Commission with the competent authority will conduct examination for the appointment in Class-IV post in the concerned departments as well as all districts of Bihar.



6. In view of the aforesaid, the case of the petitioners was not considered for regularization by the concerned authority on the ground that the petitioners were not continued in service after 1994 and hence, there is no merit in the writ petition. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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