

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17395 of 2017

1. Anil Kumar Thakur Son of late Fakir Chand Thakur, Resident of Ward No. 14 Siddhnath Ghat, Buxar, P.S. and District- Buxar.
2. Niraj Kumar Pathak son of late Laxman Pathak Resident of Mahadaha, P.S. Mahdah, District Buxar.
3. Girish Kumar Son of Prabhakar Prasad Sinha, Resident of Mahatama Gandhi Nagar, Buxar, Bazar Samiti Road, Near Kali Mandir, Buxar Ganj, P.S. Buxar, District- Buxar.
4. Janardan Prasad Son of Saryu Prasad, Resident of Ward No. 10, Musafir Ganj, P.S. Buxar, District- Buxar.
5. Sri Bhagvan Yadav Son of Ram Chandra Yadav, Resident of Kant , Kant , Buxar, Barhampur, P.S. Buxar, District Buxar.
6. Shiv Kumar Ram Son of Denga Ram, Resident of Mohania, ward No. 01, P.S. Mohania, District- Kaimur Bhabua.
7. Bihari Prasad Son of late Gulab Chandra Resident of Village- Neharu Nagar, P.S. and District- Buxar.
8. Lallu Prasad Son of Sidhnath Ram Resident of Village- Bagahi, P.S. Itahari, District-Buxar.
9. Ritu Ranjan Singh Son of late Budhan Singh, Resident of Village- Birna, P.S. Dhansoin, District Buxar.
10. Mahendra Son of Tapeswar Yadav, Resident of Village- Chakarhansi, P.S. and District Buxar
11. Binod Kumar Paswan Son of late Rajdrihi Ram Resident of Village- Lalganj Kadavi, Dumrawan Textile, P.O. and P.S. Dumaraon, District Buxar.
12. Chandrakant Kumar Son of Gopal Prasad, Lal Toli Road, Thakur Kumhar Ki Gali Dumraon, Ward No. 06, Dumraon, Buxar, Distrit- Buxar.
13. Manoj Kumar Son of Gangaram, Resident of village- Gazadharganj, P.S. and District- Buxar.
14. Ajay Kumar Tiwari Son of Kamta Prasad Tiwari, Resident of Village- Ori, P.O. Mahadah, P.S. and District- Buxar.
15. Md. Ahamad Ali Son of Mohammad Ali, Resident of Nai Bazar Sai Mohall , Ward No. 07, Buxar, District- Buxar.
16. Vinod Kumar Singh Son of Jugal Singh Resident of Rajpur Hitwa Rajpur, Hathua, P.S. and District- Buxar.
17. Ramkeshwar Ram Son of Ramnarayan Ram, Resident of Kanehari, Kanehari, Rajpur, P.S. and District Buxar.
18. Kamlesh Kumar Rajak Son of Shivabchan Rajak, Resident of Village- Saithu, Post- Jamauli, Manoharpur, District- Buxar
19. Pawan Kumar Son of Janardhan Prasad Gupta, Resident of Mohalla- Purab Tola, Itarhi, P.S. Itarhi, District- Buxar.
20. Upendra Kumar Ram Son of Sohan Ram, Resident of Village- Navagaon, P.O. Navagaon, P.S. Karhansi, District Buxar.
21. Sudama Paswan son of Bhageru Paswan, Resident of Dewadhiya, P.S. Rajpur, District Buxar.



22. Dharmendra Kumar Son of Gyan Prakash Resident of Mahuari Chunni, P.S.
and District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Sub Divisional Officer, Buxar
5. District Election Officer, Buxar.
6. The Block Development Officer, Buxar Block, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay, Advocate
For the Respondent/s : Md.Nadeem Seraj – G P - 5

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-09-2024

Heard Mr. Om Prakash Upadhyay, learned counsel
appearing on behalf of the petitioners and the learned counsel
for the State.

2. The present writ application has been filed for
setting aside Memo No.08/0721/Nazarat dated 27.10.2014
issued by the then District Magistrate, Buxar, cancelling Panel
2 and 3 prepared by the District Selection Committee pursuant
to Advertisement No. 01/2012-13 dated 02.01.2013 affecting
the petitioners, who have been denied of their appointment in
spite of available vacancies/seats, however, the petitioners are
holding top rank in the list prepared by the Selection Committee
in the light of the guidelines issued from time to time by the
General Administration Department of Bihar, in particular, vide



memo no.7365 dated 29.06.2011. Non-consideration of the cases of petitioners, in the light of the State's guidelines amounts to violation of Article 14 and 16 of the Constitution of India.

3. The learned counsel for the petitioners informs that the present writ petition may be disposed of in the light of order passed in CWJC no.20713 of 2014 wherein, this Court, vide order dated 18.07.2024 had directed the concerned person to file a detailed representation before the District Magistrate, Buxar for redressal of his grievance, which shall be considered in the light of the order passed in CWJC No.2093 of 2012 and other writ petitions filed earlier by the similarly situated candidates, whose name was in the list prepared by the Selection Committee in view of availability of vacancy.

4. *Per contra* learned counsel for the State submitted that vide letter no.1198 dated 26.03.2010 issued by the General Administration Department, Bihar, the validity of the panel was for one year from the date of the final publication of the panel so prepared on the basis of category-wise merit list and as such, the reliefs as prayed for requires no consideration and the writ petition is fit to be dismissed.

5. Learned counsel further submitted that memo



no.08/0721/Nazarat dated 27.10.2014 has been issued by the then District Magistrate, Buxar in accordance with the guidelines so issued by the General Administration Department, Bihar vide letter no.1198 dated 26.03.2010.

6. The panel no.1 has been prepared on the basis of Advertisement No.01/2012-13 dated 02.01.2013 in accordance with the direction contained in memo no.639 dated 16.03.2006 and on the basis of which only one candidate was selected in accordance with memo no.7365 dated 29.06.2011 issued by the Department of General Administration, Government of Bihar.

7. The petitioners are not working on daily wage basis in any department within the district of Buxar in accordance with the direction of the Government of Bihar, vide paragraph no.1 of memo no.639 dated 16.03.2006.

8. Having considered the rivals submissions made on behalf of the parties, the present writ petition deserves to be dismissed on the ground of delay and laches alone, as well as, the specific statement made in the counter affidavit that the petitioners can be said to be a fence sitter. Whereas the petitioners have made out a case that they had filed the present writ petition in the year, 2017 itself. Moreover, in paragraph no.13 and 14, they have explained that they were advised not to



press for deletion of names from respondent parties in CWJC No.20713 of 2014 .

9. I find from the cause title of the CWJC No.20713 of 2014 that some of the petitioners on whose behalf the present writ petition has been filed, were party respondents in CWJC No.20713 of 2014.

10. I find it proper not go into the merit of the issues as to whether the petitioners, who were included in the panel, which was valid only for one year, can still claim their right to be appointed. The present writ petition is disposed of in the light of the order passed in CWJC No.20713 of 2014.

11. The petitioners, if so advised, may file their individual representation before the District Magistrate and the District Magistrate concerned is directed to dispose of the individual representation of the petitioners in accordance with law.

12. The present writ petition is accordingly disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2024
Transmission Date	NA

