

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1346 of 2023

In

Civil Writ Jurisdiction Case No.9613 of 2011

=====

Bhunesh Kumar Son of Ram Janam Singh 'Brajesh', R/O Village- Sathaura,
P.O.- Jhajhra, P.S.- Jitna, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. The District Collector, East Champaran, Motihari
3. The District Panchayat Raj Officer, East Champaran
4. Sub-Divisional Officer, Sikrahana At Dhaka, East Champaran
5. The Block Development Officer, Bankatwa, East Champaran
6. The Mukhiya, Gram Panchayat Raj Jhajhra, East Champaran
7. The Panchayat Secretary Gram Panchayat Raj Jhajhra, East Champaran
8. The Sarpanch, Gram Katchahari, Jhajhra, East Champaran
9. Bhola Kumar S/o Sri Ramashray Prasad R/O Vill.- Sathaura, P.S.- Jitna,
Distt.- East Champaran

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar, Advocate Mr. Kanishak Kaustubh, Advocate Mr Shikhar Mani, Advocate
For the Respondent/s	:	Mr.Ajay (GA-5)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-05-2024

The parties are referred to from the status in the writ
petition.

2. The issue agitated in the appeal is as to who is
entitled to be posted as the Secretary, Gram Katchahari, Jhajhra
under Block Bankatwa. The appellant who was the 9th



respondent in the writ petition and the 9th respondent in the appeal, who was the petitioner in the writ petition, raised conflicting claims.

3. Pursuant to an advertisement, the petitioner and the 9th respondent applied for the post along with similarly situated candidates. The petitioner was selected to the post of Secretary, Gram Katchahari and an appointment letter was issued dated 11.11.2007 (Annexure-4) by the Sarpanch. The Respondent No. 9 filed a complaint before the Sub-Divisional Officer, Sikrahana, East Champaran who canceled the appointment of the petitioner as per Annexure-6 and the person who figured at Serial No. 1 of the merit-list was directed to be appointed; who was Respondent No. 9. The petitioner challenged the order before the District Magistrate who dismissed the appeal against which the petitioner approached this Court with a writ petition.

4. The specific contention of the petitioner before the learned Single Judge was that while he has submitted all the relevant documents as required in the advertisement; on due verification and scrutiny of which he was appointed as Secretary, Gram Katchahari, the Respondent No. 9 had not submitted the relevant documents at the time of submitting application. The order of both the District Authorities were



alleged to be wrong which contention found favour with the learned Single Judge.

5. The learned Single Judge specifically found from Annexures 3 and 5 that the Respondent No. 9 had not submitted the attested copies of original certificates along with his application form. The learned Single Judge found that a merit list of ten candidates was prepared after counselling and the 9th Respondent figured first in the merit-list; having obtained 69.22 per cent, while the petitioner obtained only 68.55 per cent. The 9th Respondent and the petitioner were obviously at Serial No. 1 and 2 in the merit-list. However, the candidature of Respondent No. 9 was not valid since the submission of attested copies of all the relevant documents required in terms of the advertisement was absent. Annexure-3, the extract of the verification register, specifically recorded in the remarks portion that Respondent No. 9 had submitted the attested copies of original certificates after verification. The learned Single Judge hence found the orders of the District Authorities to be bad and set aside the same restoring the petitioner to the post.

6. The learned Government Advocate on instructions submitted that the post of Secretary was coterminous to the tenure of the Committee and as of now the challenge does not



survive. It is also pointed out that the Secretary, Bihar Gram Katchahry (Employment, Service Conditions and Duties) Rules, 2007 has altered the qualifications and both the parties will not be qualified as of now.

7. The learned Counsel for the appellant, however, submitted that there was regularization made, which document is not seen produced in the writ petition. In any event, we have found that the 9th Respondent does not have a claim despite he having obtained first place in the merit-list since he had not furnished the documents along with the application as is required.

8. We hence, reject the appeal leaving the parties to suffer their respective costs.

9. Interlocutory Application(s), if any, shall stand closed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.05.2024
Transmission Date	

