

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.455 of 2018

In
Civil Writ Jurisdiction Case No.6495 of 2017

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1. Niraj Kumar Gupta, Son of Shri Suresh Prasad Gupta, Vill- Rauza , P.O. Chapra, P.S. Chapra, Town , District- Saran, State- Bihar, Pin Code- 841301
 2. Sonu Kumar, Son of Shri Ganesh Sharma, R/o Moh Near Dr. S.K. Bose Ward No. 20, Dahiyawan, P.O. Chapra, P.S. Town Thana, District- Saran PIN- 841301.
 3. Tarkeshwar Pd. Gupta, S/o Shri Shatrudhan Prasad Gupta, R/o Moh- Mauna P.O. Chapra, P.S.- Town Thana, District- Saran PIN- 841301.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Govt. of Bihar, Patna.
2. The Director, Bihar Prashasnik Sudhar Mission Society General Administration Department, Govt. of Bihar, Patna.
3. The Human Resources Development Department through the Principal Secretary, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. Deepak Kumar Sharma, S/o Harendra Sharma, Vill.- Lohari, P.O.- Gurukul Mehiya, P.S.- Muffasil Chapra, Distt.- Saran, Pin Code- 841301.
6. Dheeraj Kumar Shriwastwa, S/o Surya Prakash Shriwastwa Vill and P.O.- Pachbhinda, P.S. Taraiya, Distt.- Saran, Pin Code- 841424.
7. Monaj Kumar Pandit, S/o Ram Surat Pandit Vill and P.O.- Tarwanb, P.S. Kopa, Distt.- Saran, Pin Code- 841205.
8. Shashi Kant Kumar Singh S/o Sarv Nath Singh, Vill.- Belwaniya, P.O. Ferusa, P.S. Garkha, District- Saran, Pin Code- 841415.
9. Vikash Kumar, S/o Ramjee Pandit, Moh.- Shyam Chak, P.O.- Chapra, P.S.- Bhagwan Bazar, Distt.- Saranj, Pin Code- 841301.
10. Soni Kumari, D/o Rajendra Singh, Vill and P.O.- Atta, P.S.,- Marhowrah, Distt.- Saran, Pin Code- 841419.
11. Umesh Kumar, S/o Dinesh Prasad, Vill.- Atta, Post- Atta, P.S. Marhowrah Distt.- Saran, Pin Code- 8414193.
12. Rajesh Kumar, S/o Ambika Prasad, Vill.- Atta, Post- Atta, P.S., Marhowrah, Distt.- Saran, Pin Code- 841419.
13. Kedarnath Sharma, S/o Late Ramjana Sharma, Mohalla Mauna Ahir Toli, P.O. Chapra, P.S. Chapra town, Distt- Saran, Pin Code- 541301.
14. Satish Kumar Sinha, S/o Late Umesh Chandra Srivastav, At- Dahiyawan, P.O. Chapra, P.S. Town Chapra, Distt- Saran, State- Bihar, Pin Code- 841301
15. Rakesh Kumar Vernwal, S/o Late Mohan Prasad Vernwal, At- Dahiyawan, P.O. Chapra, P.S. Town Chapra, Distt- Saran, State- Bihar, Pin Code- 841301.



16. Ranjeet Maharaj, S/o Lalan Maharaj, Vill- Ekma, Post- Ekma, Distt- Saran, Pin Code- 841208, State- Bihar.
17. Saurav Kumar, S/o Sanjiv Kumar Srivastava At P.O- Ferusa, P.S. Garkha, Distt- Saran, (Bihar), Pin Code- 841415.
18. Rahul Kumar, S/o Awashesh Prasad Gupta, At- Dahiyawan Mahmood Chowk Dharam Dev Sahay Mandir, P.O. Chapra, P.S.- Town Thana, Saran (Bihar) , Pin Code- 841301.
19. Pankaj Kumar Gupta, S/o Vijay Shankar Prasad, At- Hansrajpur Banarsi Sah Ke Tola, P.O. Ekma, P.S. Ekma, Distt- Saran (Bihar), Pin Code- 841208.
20. Munna Jaiswal S/o Hari Prasad, Vill.- Mohan Bagan (Khurd), P.O.- Marhowrah, Distt.- Chapra (Saran), Pin Code- 841418.
21. Rahul Kumar Mishra, S/o Anil Kumar Mishra, Vill. and P.O.- Mohabbat Parsa, P.S. Revelganj, Distt.- Saran.
22. Dhanranjan Kumar Pandit, S/o Late Harnarayan Pandit, Vill. and P.O.- Kopa Samhota, P.S. Kopa, Distt.- Saran.
23. Sanjay Kumar Prasad, S/o Dev Kumar Prasad, Vill. and P.O.- Saryupar, P.S.- Bharhopur, Distt.- Saran, Pin Code- 841208.
24. Raj Kumar Maharaj, S/o Lalan Maharaj Vill.- Ekma, P.S.- Ekma, District- Saran State- Bihar, Pin Code- 841208.
25. Sahilesh Kumar Prasad, S/o Shivjee Prasad, Village Saryupar, P.S.- Daudpur, Bharhopur, Dist.- Saran Pin Code- 841208.
26. Avinash Kumar Pandey, S/o Ram Naresh Pandey, Village Rouja, Post Chapra, District- Chapra, State Bihar- Pin Code- 841301.
27. Jitendra Kumar, S/o Mohan Prasad Soni, Village Rouja, Post Chapra, District- Chapra, State- Bihar, Pin Code- 841301.
28. Subash Kumar, S/o Bijendra Pandit, Village Trilokchak Shrinagar, P.O. and P.S. Dighwara, District- Saran, State Bihar Pin Code- 841207.
29. Kamlesh Kumar, S/o Kedar Nath Sharma Vill- Post Sadhpur, P.S. Garkha, Distt. Saran, State- Bihar, Pin Code- 841415.
30. Abhishek Kumar, S/o Rajendra Prasad Vill Post- Daldali Bazar, Chapra, P.S. Town Thana, District- Saran, State- Bihar, Pin Code- 841301.
31. Shani Kumar, S/o Rajendra Prasad At Lah Bazar, Chopra, Post- Chapra, Distt.- Saran Pin Code- 841301.
32. Dilip Kumar, S/o Rajendra Sah, Vill.- Semrahiya, P.O.- Jaitipur, P.S.- Dariyapur, Distt- Saran, Pin Code- 841207.
33. Ravi Shankar Kushwaha, S/o Shri Ram Kushwaha, Vill.- Makhdumganj, P.O. Gheghata, P.S. Chapra Muffasil, Distt.- Saran, Pin Code- 841301.
34. Chandan Kumar Sharma, S/o Govinda Sharma Vill.- Musherri, P.O. Arvin Nagar, P.S. Dariyapur, Distt.- Saran, Pin Code- 841201.
35. Chandrashekhar Singh, S/o Tejnarayan Singh, Vill.- Kanshdiyar, Post Kashdiyar, P.S. Doriganj, Distt.- Chapra (Saran), State- Bihar, Pin Code- 841216.
36. Amit Kumar Sharma, S/o Durga Sharma Vill and P.O. Magaidih, P.S.- Chapra (Muffasil), Distt.- Saran Pin Code- 841316.



37. Raju Kumar, S/o Jitan Mahto, Vill.- Shekhpura Post Mukrera, P.S. Revelganj, Distt.- Saran Pin Code- 841301.

... .. Opposite Party/s

with
Civil Writ Jurisdiction Case No. 18831 of 2018

1. Chandan Kumar Pandit and Ors S/o Shri Shankar Pandit, Resident of Village P.O.- Madanpur, P.S.- Bheldi, District- Saran.
2. Madhukar Kumar Singh, S/o Suresh Kumar, Resident of Village- Pojhi Buzurg, P.O.- Bhualpur, P.S.- Garkha, District- Saran.
3. Ranjan Pandit, S/o Bhola Pandit, Resident of Village P.O.- Madanpur, P.S.- Bheldi, District- Saran.
4. Rahul Kumar Shrivastava, S/o Shri Raghunath Lal Shrivastava, Resident of Village- Chilarwan, P.O. and P.S.- Bellouri, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Mission Directors, Bihar Administrative Reforms Mission Society, General Administration Departm
3. The Divisional Commissioner, Saran at Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Deputy Collector, Establishment cum Public Information Officer, Saran at Chapra.

... .. Respondent/s

Appearance :

(In CIVIL REVIEW No. 455 of 2018)

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the State : Mrs. Divya Verma, AC to AAG-3

(In Civil Writ Jurisdiction Case No. 18831 of 2018)

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the State : Mr. Md. Harun Quareshi, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-04-2025 Heard the parties.

2. The present review petition has been preferred:

“against the order dated 18.08.2018 passed in

C.W.J.C. No. 6495/2017 by Hon'ble Mr. Justice



Shivaji Pandey (as his lordship then was) whereby and where under the Hon'ble Court no any opinion expressed over the Government data dated 20.05.2011 was given by this Hon'ble Court whereas a Co-Ordinate Bench of this Hon'ble Court vide its order dated 19.07.2017 passed in the C.W.J.C. No. 10281/2016 has already directed the District Magistrate to consider the claim of the petitioners in the light of the Policy decision so taken in view of the Background of the letter dated 20.05.2011.”

3. Learned State counsel has taken this Court to the concluding paragraph of the Writ Court's order which read as follows:

“This Court is not going to give any opinion on this letter, However, if the Collector finds that the persons from the 2014 panel can also been engaged, it is for him to decide and if he decides in affirmative, in such circumstances, the case of the petitioners will also be considered.

For that, if the petitioners files their respective representation before the Collector,



Chapra, he will pass an order in accordance with law within a period of four months from the date of filing of the representation along with a copy of this order.

With the aforementioned observation, this writ application is disposed of.”

4. He further submits that a positive order was given by the Writ Court and in that background, no review can be allowed.

CWJC No.18831 of 2018

5. The writ petition has been filed for following relief(s):

(i) The memo no. 1197 dated 10.08.2018 passed under the signature of the District Magistrate, Saran be quashed or directed to be kept in abeyance till finalization of the panel prepared in the year 2014-15 for selection of Executive Assistants followed by the Prepared by completion of competitive examination comprising of written typing and examination.

(ii) The respondents further may kindly be directed to not to take any person till (unskilled



one) as daily wager till finalization panel of year of the 2014-15 previous by the candidates like the petitioners.

(iii) The respondents also may kindly be directed to produce the statutory provision/executive instruction/guideline which empowers them to play game of employment with the youth of the society and not allow them to even work after declaring them fit for the post/work in question.

(iv) On independent authority or agency may kindly be directed to examine the entire selection made against the post of Executive Assistant and/or other co-ordinate posts in the Saran District in view of the Advertisement of year 2014.

(v) The answering respondents may kindly be directed to produce the entire records/exercise with regard to selection in question before this Hon'ble Court while explaining the reason towards non-engagement of Executive Assistant of 2014 advertisement, engagement of Daily



wager (i.e. unskilled person) despite availability of the Executive Assistant from the panel and further about initiation fresh selection process of without due sanction of law and the requirement to that effect.

(vi) The petitioners and other similarly situated persons/ candidates be compensated adequately for not being fair, reasonable punctual and prompt in the said selection during last 4 years causing deep frustration among the competent and bonafide generation of our society.

(vii) Any other relief on relief also may kindly be allowed to the petitioners for which they be found entitle in the opinion of this Hon'ble Court.”

6. Learned counsel for the petitioners submit that they belong to Saran district having the year 2014 panel and pursuant to the order of the Writ Court which is under review, they preferred representation, it was rejected by the District Magistrate, Saran at Chapra vide memo no. 1197 dated 10.08.2018 recording that when advertisement has been issued



for fresh panel now, considering the earlier panel will be against the principal of natural justice (Annexure-9 to the writ petition).

7. He submits that in the case of Dharmendra Kumar & Ors. vs. The State of Bihar & Ors. (CWJC No. 10281 of 2016) disposed of on 19.07.2017 where the matter related to East Champaran, Motihari, the Writ Court held that in line with the guidelines of General Administration Department dated 20.05.2011, the concerned District Magistrate, East Champaran could have applied himself to the issues strictly in that backdrop and should have passed an order accordingly.

8. The said Writ Court thus directed the respondent District Magistrate, East Champaran, Motihari to consider the claim of the petitioner.

9. It is his case that pursuant thereto Dharmendra Kumar & Ors. have been employed whereas the petitioners are suffering.

10. Learned State counsel submits that the matter relates to two different districts, the District Magistrate, Saran at Chapra has come out with the reason, the facts of the two cases seem to be different. In Saran, fresh advertisements had come up and as such the order was justified.

11. Learned counsel representing the petitioners



submit that even thereafter an order has been passed in the case of Binod Kumar & Ors. vs. The State of Bihar & Ors. in CWJC No.4028 of 2020 and it will suffice if the petitioners are allowed to approach the respondent District Magistrate, Saran at Chapra with their separate petitions to show their bonafide vis-a-vis the two orders.

12. Learned State counsel submits that though an order has already been passed by the District Magistrate, Saran at Chapra, the aggrieved persons always have the liberty to approach the appropriate forum for the redressal of the grievance.

13. Be that as it may, an order has been passed by the District Magistrate, Saran at Chapra as has rightly been pointed out by the learned State Counsel, a reason has also been given there. However, if still, the petitioners feel that they want to approach individually in the light of aforesaid orders, they have the right to approach the concerned authority in this regard but no positive order can be passed by the Court as lots of water has fallen down the Ganges since then.

14. Learned counsel for the petitioners submit that they shall be approaching the District Magistrate, Saran at Chapra for the redressal of their grievance individually. In that



case, the respondents shall be taking it to its logical conclusion at an earliest.

15. Both the Review Petition No. 455 of 2018 as also the CWJC No. 18831 of 2018 stand disposed of.

(Rajiv Roy, J)

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