

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.931 of 2021

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Surendra Pandey, Son of Late Sampat Pandey, Resident of Village and P.O.-
Ratanpura, Via-Tarwara, P.S.-Maharajganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Personnel and Administrative Reforms Department,
Government of Bihar, Patna.
4. The Under Secretary, General Administration Department, Govt. of Bihar,
Patna.
5. The Director-in-Chief, Health Services, Bihar, Patna.
6. The District Magistrate, Siwan.
7. The Establishment Committee through its Chairman, Collector-cum-District
Magistrate, Siwan.
8. The Deputy Collector, Establishment Siwan.
9. The District Malaria Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Ms. Vijaya Lakshmi Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

12 24-06-2025 Heard Mr. Umesh Kumar Mishra, learned Advocate

for the petitioner and Ms. Vijaya Lakshmi Srivastava, learned

Advocate for the State.

2. The petitioner has approached this Court seeking
issuance of a writ in the nature of mandamus directing the
respondent authorities to select and appoint him on any of the
Class-IV post in the district of Siwan, on the basis of the
direction passed by this Court in C.W.J.C. No. 7601 of 2014.



3. It is the specific contention of the petitioner that the name of the petitioner was figured at serial no. 106 of the panel of the seasonal employees/ daily wager, however, despite the order of this Court and the persuasion made by the petitioner as well as identically situated persons, they have not been selected. In the mean while, some of the daily wagers/seasonal employees who were duly selected and appointed, but, later on, their services were dispensed with and thus, on being aggrieved, they have approached before this Court by filing C.W.J.C. No. 2109 of 2020. However, their order of termination and removal was not interfered by the learned Single Judge, and thus, being aggrieved they have preferred L.P.A. No. 121 of 2020. The aforesaid L.P.A. was disposed off analogously with L.P.A. No. 104 of 2020 and other Letters Patent Appeal with a direction to the respondent authorities to consider the grievance afresh with reference to relevant rules governing the post of Group D pursuant to advertisement dated 31.12.2013, select list and order of appointment.

4. Referring to the order passed by learned Division Bench in L.P.A. No. 121 of 2020, learned Advocate for the petitioner submits that the issue of selection in terms of the Advertisement No. 01/2013-14 has not been given a quietus. In



such circumstances he submits that the grievance of the petitioner can also be taken up for consideration afresh in the light of his position in the select list.

5. Learned Advocate for the State referring to the averments made in the counter affidavit has submitted that pursuant to the order of this Court dated 04.08.2014, passed in C.W.J.C. No. 7601 of 2014, the case of the petitioner was duly considered in the light of the order passed in the case of Baban Ram & Ors. vs. The State of Bihar & Ors. (C.W.J.C. No. 8261 of 2011), taking note of the fact that the life of the panel has already expired and the selection process came to an end in the year 2015 itself, the claim of the petitioner turned down.

6. It has further been informed to this Court that now rules have already been framed for selection and appointment of Class IV (Group-D employees). In such circumstances, the claim of the petitioner does not survive.

7. At this juncture, learned Advocate for the petitioner submits that the case of the petitioner is also required to be considered in the light of order dated 16.11.2022, passed in L.P.A. No. 121 of 2020 (Sunita Kumari & Ors. vs. The State of Bihar & Ors.) pursuant to which some of the identically situated persons have been appointed.



8. Considering the submissions set forth by learned Advocate for the respective parties, this Court without delving into the merit of the writ petition, disposed off the writ petition with a liberty to the petitioner to approach before the District Magistrate, Siwan who shall look into the matter and consider the claim of the petitioner but only to meet the point of equality, in case any other identically situated person(s) was appointed.

9. With the aforesaid observation, the writ petition stands disposed off.

(Harish Kumar, J)

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