

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4718 of 2017

1. Krishna Kumar, Son of Bijay Kumar Singh, Resident of Mohalla - Ram Nagar, Nawada, P.S. and District - Nawada
2. Suresh Kumar Gupta, Son of Radheshwar Prasad Gupta, Resident of village - Therasarai, P.O. and P.S. Jalalpur, District - Nawada
3. Bhagwan Singh, Son of Late Deoki Singh, Resident of village - Dewanpura, P.O. Dhostama, P.S. and District - Nawada
4. Manoj Kumar Sinha, Son of Rupdeo Lal, Resident of village and P.O. Gonawan, P.S. and District - Nawada
5. Sheetal Sharma, Son of Bundi Sharma, Resident of village - Gausanagar, P.O. Siswa, P.S. and District - Nawada
6. Ashok Kumar Sinha, Son of Late Bhola Prasad, Resident of village - Chandipur, P.O. Makanpur, P.S. Warsaliganj, District - Nawada
7. Ram Bilash Choudhary, Son of Latan Choudhary, Resident of village - Lohra, P.O. Gonawan, P.S. and District - Nawada
8. Manoj Kumar, Son of Ram Ratan Prasad Singh, Resident of Mohalla - Sardar Patel Nagar, P.O. Mandas Road, P.S. and District - Nawada
9. Krityanand Tiwari, Son of Late Rajgrih Tiwari, Resident of village and P.O. Warsaliwan, P.S. Shahpur, District - Ara, Bhojpur
10. Sukhdeo Mehta, Son of Rohan Mehta, Resident of village - Ursa, P.O. and P.S. Hisuwa, District - Nawada
11. Rajeev Kumar, Son of Kishori Prasad, Resident of village - Mangar Bigha, P.O., P.S. and District - Nawada
12. Shankar Rai, Son of Late Mushari Prasad, Resident of village and P.O. Bagnaur, P.S. Narhar, District - Nawada
13. Sheobalak Prasad, Son of Late Damri Prasad, Resident of village - Jhunathi, P.O. Asarhi, P.S. Muffasil, District - Nawada
14. Sajjan Prasad Rajak, Son of Munro Rajak, Resident of village and P.O. Budhauri, P.S. Pakribarawan, District - Nawada
15. Markanday Nath Durge, Son of Manohar Murli Nandkuliya, Resident of village - Oraina, P.S. Muffasil, District - Nawada
16. Lokesh Nath Durge, Son of Manohar Murli Nandkuliya, Resident of village - Oraina, P.S. Muffasil, District - Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The District Magistrate, Nawada.
4. The Deputy Development Commissioner, Nawada.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
Mr. Binod Kumar Sinha, Advocate
Mr. Ashok Kumar, Advocate
For the State : Mr. Arvind Kumar (AC to GA-9)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 03-04-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

“I. For quashing of the order dated 13.04.2013 issued by the District Magistrate, Nawada (annexed as Annexure-14 series) by which the petitioners have been removed from service posted on Class-IV posts in the different office under District Collectorate, Nawada.

II. For quashing of the Memo no. 1485 dated 08.02.2017 passed by the Principal Secretary, General Administrative Department, Government of Bihar, Patna (annexed as Annexure- 18) communicated to the petitioners by Under Secretary, General Administration Department, Bihar, Patna whereby it was decided that it is not possible to rectify the panel of year 2004 and to proceed for appointment on the basis of said panel.

III. For directing the Respondents to reinstate



the petitioners in service who were working on Class-IV post in different office under District Collectorate, Nawada with all consequential benefits.

IV. For any other appropriate writ, order, direction save and except in accordance with law.”

3. Learned Counsel for the petitioners submits that during pendency of the writ petition, an order has come in the year 2016 issued by the Principal Secretary, General Administration Department, Government of Bihar, Patna contained in Memo No.12477 dated 12.09.2016 which is annexed as Annexure-17. Counsel submits that though the said order has not been passed directly for the petitioners, but the petitioners have also aggrieved by the said order as earlier orders dated 13.04.2013 and 08.02.2017 have now merged in the order dated 12.09.2016. Counsel further submits that the said order dated 12.09.2016 has been challenged before this Hon'ble Court in batch of cases in ***Civil Writ Jurisdiction Case No.17916 of 2016 (Nawal Kishore Paswan & Ors. Vs. The State of Bihar & Ors.)***, ***Civil Writ Jurisdiction Case No.18191 of 2016 (Surjeet Kumar & Ors. Vs. The State of Bihar & Ors.)*** and ***Civil Writ Jurisdiction Case No.20575 of 2016***



(Raghunandan Manjhi & Ors. Vs. The State of Bihar & Ors.)

in which *vide* order dated 17.07.2019, it has been stated that “*it is very difficult to save the 2004 panel and the persons appointed from that panel cannot be saved as certain persons who were to be in the panel have been left out and certain person has not been given proper place, the panel suffers from several infirmities and has been recorded, the matter has become so complex cannot be rectified. Accordingly, this Court is of the view that the 2004 panel cannot be saved and, accordingly, the same is scrapped.*” Counsel further submits that though, this Hon’ble Court *vide* order dated 17.07.2019 has refused to set aside the said order contained in Memo No.12477 dated 12.09.2016, but instead thereof, has made specific direction to the Collector, Nawada to prepare a fresh panel for 2004 panel from those persons who were applied against the vacancy published by the Collector attaching proper document and proper experience certificate. Counsel submits that the petitioners’ case is squarely covered from the case of Nawal Kishore Paswan & Ors with analogous cases (*supra*) and since, the said order dated 12.09.2016 has already been considered by this Hon’ble Court, therefore, petitioners’ case should be treated on the same footing as petitioners also belongs to panel of 2004.



4. Learned Counsel for the State submits that in that view of the matter, it is not necessary for this Court to pass any order on merit save and except to consider the petitioners' case in the light of the decision rendered in case of Nawal Kishore Paswan & Ors. with analogous cases (CWJC No.17916 of 2016) (*supra*).

5. In the light of the submissions made and particularly Clause 4.C of the Bihar State Litigation Policy, 2011, this Court is of the firm view that if, the District Magistrate, Nawada (Respondent no.3) found that petitioners' case is squarely covered from the case of Nawal Kishore Paswan & Ors. with analogous cases (*supra*), then the District Magistrate, Nawada is hereby directed to consider the case of the petitioners in light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011 upon production of the order and Respondent no.3 shall decide the present petitioners' case by providing same treatment to them as like that of case of Nawal Kishore Paswan & Ors with analogous cases (*supra*).

6. Hence, in this view of the matter, this writ petition is hereby disposed off granting liberty to the petitioners to file fresh representation to consider their matter in the light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011 within



30 days from today before the District Magistrate, Nawada
(Respondent no.3) and Respondent no.3 shall decide
petitioners’ fresh representation within 90 days thereafter.

(Dr. Anshuman, J)

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