

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5801 of 2020

1. Basanti Minj Daughter of Alexandra Minj, Wife of Ignatius Gidh, Resident of Village-Pakardih, Latehar, District-Jharkhand, at Present residing at Village-Rampur, Police Station-Rampur, District-Gaya (Bihar). Ward Attendant Primary Health Center Tankuppa, Block-Tankuppa, District-Gaya.
2. Seema Smita Topno Daughter of S.H.K. Parwaz, Wife of Geore Lombert, Resident of Village-Boro, Police Station-Pachamba, Giridih, State-Jharkhand, at Present residing at Village-Kharkhura Bhaluahi, Police Station-Delha, District-Gaya (Bihar). Ward Attendant Community Health Center, Mahkar, Distric-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretariat Government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The District Magistrate-Cum-Chairman, Selection Committee Group 'D' Posts Gaya.
7. The Additional Collector, Gaya.
8. The District Development Commissioner, Gaya.
9. The Deputy Collector, Establishment, Gaya.
10. The District Welfare Officer, Gaya.
11. The Civil Surgeon-Cum-the Chief Medical Officer, Gaya.
12. The Additional Chief Medical Officer, Gaya.
13. The Medical Officer, Primary Health Center, Gurua, Gaya.
14. The Medical Officer, Community Health Center, Mahkar, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s	:	Md. Nadim Seraj, GP-5
		Mr. Shahbaj Alam, AC to GP-5



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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-07-2026

Heard Mr. Umesh Kumar Mishra, learned Advocate for the petitioners and learned Advocate for the State.

2. The petitioners are aggrieved with the Memo No. 1460 dated 24.12.2019, issued under the signature of the District Magistrate, Gaya, whereby the earlier Office Memo No. 81 dated 22.07.2019 and Memo No. 1037 dated 25.09.2019, relating to appointments from the panel list, were cancelled. The petitioners have also challenged Memo No. 02-Gaya dated 01.01.2020, whereby, in pursuance of Memo No. 1460 dated 24.12.2019, Office Memo No. 3597 dated 16.09.2019, under which 34 candidates, and Office Memo No. 3750 dated 24.09.2019, under which four candidates including petitioner no. 1, Basanti Minj, had been appointed, were cancelled. They have further sought quashing of Memo No. 6 dated 03.01.2020, whereby the appointment of petitioner no. 2, Seema Smita Topno, was also cancelled.

3. From the materials available on record, it appears that a total of 365 recommendations were made through Memo Nos. 82 dated 22.07.2019 and 1037 dated 25.09.2019 by the District Magistrate, Gaya, pursuant to Advertisement No.



1/2013-14 for appointment to Grade-IV posts, including the present petitioners. The said recommendations were subsequently cancelled through different memos in compliance with the order dated 18.12.2019 passed in C.W.J.C. No. 18612 of 2019. The cancellation was challenged by Sunita Kumari and others in C.W.J.C. No. 2109 of 2020, which came to be dismissed by a Coordinate Bench of this Court.

4. Aggrieved by the aforesaid judgment, Sunita Kumari and others preferred L.P.A. No. 121 of 2020, which was heard analogously with L.P.A. No. 104 of 2020. The Division Bench, by its judgment dated 16.11.2022, set aside the order of the District Magistrate dated 24.12.2019 with the following directions:

“To afford opportunities to the petitioners and if their selection and appointment are in order, in that event fresh order of appointment shall be issued while counting the past service for all service benefits except monetary benefits during the period from 24.12.2019 till order of appointment, if any, to be issued in favour of the appellant and similarly situated persons.”

5. In compliance with the aforesaid judgment of the Division Bench, show-cause notices were issued to all the



candidates. Upon consideration of their respective replies, 72 out of the 365 candidates were reinstated/appointed, although it has been informed that one of them unfortunately passed away during the interregnum. Thereafter, the Committee headed by the Additional District Magistrate issued notices to the remaining candidates, who were claiming parity with the said 72 candidates. The present petitioners also received such notices, copies whereof have been brought on record as Annexures-17 and 17/1. In response thereto, both the petitioners submitted detailed replies along with all relevant documents, which have been brought on record as Annexure-18 series.

6. Learned Advocate for the petitioners submitted that the case of the petitioners is identical to that of Sunita Kumari and others, who were reinstated pursuant to the judgment of the Division Bench passed in L.P.A. No. 121 of 2020.

7. Learned Advocate for the State submitted that, in the meantime, certain aggrieved persons, namely Ravindra Prasad and others, filed C.W.J.C. No. 2310 of 2023, wherein this Court, vide order dated 29.10.2024, directed the Appointment Committee to submit its report regarding the appointment of the said 73 candidates before the Divisional Commissioner, Magadh Division, Gaya. The Court further



observed that the Divisional Commissioner would be at liberty to obtain any additional records from the Committee or any other department for expeditious consideration of the claims of all eligible candidates. Since the reinstatement of the 72 candidates is under challenge in C.W.J.C. No. 2310 of 2023 and the said writ petition is still pending, it would be appropriate to take up the present matter after the disposal of the said writ petition.

8. On careful consideration of the submissions advanced on behalf of the respective parties, this Court finds that pursuant to the notices issued by the District Magistrate, Gaya, contained in Annexures-17 and 17/1, the petitioners had already submitted their detailed replies along with all necessary documents, which are available on record as Annexure-18 series. Their claims are, therefore, required to be duly considered by the District Magistrate, Gaya Ji. In the event that, pursuant to the directions issued by this Court in C.W.J.C. No. 2310 of 2023, the relevant records have already been transmitted to the Divisional Commissioner, Magadh Division, Gaya Ji, the Divisional Commissioner shall examine the genuineness and entitlement of the petitioners' claims.

9. In view of the aforesaid facts and circumstances,



this Court does not find any justification to keep the present writ petition pending merely because C.W.J.C. No. 2310 of 2023 is awaiting final adjudication. Accordingly, the District Magistrate, Gaya Ji, is directed to consider the petitioners' claims as contained in Annexure-18 series, which were duly received in the office of the District Magistrate on 01.03.2023 and 02.03.2023, respectively.

10. Suffice it to observe that in the light of the order passed by this Court in C.W.J.C. No.2310 of 2023, the District Magistrate may deem it appropriate to refer the petitioners' cases to the Divisional Commissioner, Magadh Division, Gaya Ji, who shall take a final decision in accordance with the judgment passed in L.P.A. No. 121 of 2020 and the materials placed on record by the petitioners.

11. The entire exercise must be completed expeditiously, preferably within a period of three months from the date of receipt/production of a copy of this order.

12. It is made clear that Annexures-11, 12, 13 and 14 shall not come in the way of the competent authority while considering the petitioners' claims.

13. With the aforesaid observations and directions, the



present writ petition stands disposed of.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-07-2026
Transmission Date	

