

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4894 of 2023

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Haldhar Singh S/o Late Karu Singh, resident of Village - Warisnagar, P.S. -
Amas, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Director (Administrative) cum Secretary, Education Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Regional Deputy Director, Magadh Division, Gaya.
6. The Deputy Development Commissioner, Gaya.
7. The District Education Officer, Gaya.
8. The District Programme Officer (Estb.), Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.
For the Respondent/s : Mr.Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

*(a) Issuance of writ in the nature of
mandamus commanding and directing the
respondents specially no.4 i.e. The District
Magistrate, Gaya to consider the representations of
the petitioner and to forward with recommendation
to the Divisional Commissioner, Magadh Division,
Gaya for selection/appointment on contract basis*



for the post of Clerk, in the light of recommendation letters by the District Education Officer, Gaya vide letter no.1519 dated 10.12.2019, letter no.84 dated 11.01.2021 and notification of Additional Secretary, General Administration Department, Government of Bihar, Patna and the letter of Director (Adm) cum Additional Secretary, Education Department, Govt. of Bihar, Patna vide memo no.10000 dated 10.07.2015 and memo no.417 dated 04.03.2020 respectively.

(b) It is further prayer for directing the respondent no.3 i.e. the Commissioner, Magadh Division, Gaya to take process for selection of the petitioner immediately, after receiving recommendation of the petitioner by the respondent no.4.

3. Learned counsel for the petitioner submits that the the petitioner was initially appointed as Peon and superannuated from his service on 31.07.2019 from the post of Clerk in the Office of the District Education Officer, Gaya and he demanded reliefs on the basis of Memo No.10000 dated 10.07.2015 and Memo No.417 dated 04.03.2020 respectively.

4. Learned counsel for the State has raised preliminary objection and submits that the petitioner's case has become infructuous due to two reasons. Firstly, the petitioner was an employee at the Divisional Cadre and the Regional



Deputy Director of Education was the Appointing Authority and therefore, no person can be recommended other than him and secondly, under the said Notification, there was upper age limit of 65 & 67 years respectively. He further submits that the petitioner was retired in the year 2019 and he has already completed 67 years of his age.

5. In the light of the submissions made, this Court finds no merit in this case and hence, dismissed the present writ petition.

(Dr. Anshuman, J)

Prakashmani/-

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