

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9153 of 2025

Ramji Prasad Shrivastav @ Ramji Prasad Son of Late Gonaur Prasad, resident of village and P.O. - Barharwa Fateh Mohammad, P.S. - Kundwa Chainpur, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate cum The Chaiman, District Selection Committee (Group-D), East Champaran at Motihari.
4. The Deputy Development Commisisoner, East Champaran at Motihari.
5. The Additional Collector, East Champaran at Motihari.
6. The Deputy Collector (Establishment) and (Nazarat), East Champaran at Motihari.
7. The District Welfare Officer, East Champaran at Motihari.
8. The District Employment Officer, East Champaran at Motihari.
9. The Treasury Officer, East Champaran at Motihari.
10. The Circle Officer, Dhaka, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.
For the Respondent/s : Mr.Standing Counsel (28)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-05-2026 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 for quashing of the order contained in memo No.38, dated 28.06.2024 issued by the District Magistrate-cum-Collector, East Champaran, Motihari by which the representation of the petitioner pursuant to directive of this Hon'ble Court vide order dated 04.04.2024 in LPA No.504 of 2021 has been dismissed without taking into consideration the directives of this Hon'ble Court.



3. Counsel for the petitioner further submits that the petitioner was engaged to serve as a Statistics Mitra, Class-IV post in the year 2011 and was posted at Anchal Office, Dhaka, East Champaran. His controlling officer was District Statistics Officer, East Champaran at Motihari and since then, he was continuously discharging his duty with full sincerity and devotion. He further submits that the petitioner worked there till 31.12.2013 and he was in service by virtue of an Advertisement vide Memo No.52 dated 13.03.2013. He further submits that the petitioner had worked for more than 1024 days, but the respondent (the Collector) has not calculated his working days properly and instead thereof, only 418 working days have been calculated and on the basis of the same, his representation was rejected.

4. Counsel further submits that the petitioner had earlier moved before this Hon'ble Court in CWJC No.18070 of 2019, but same was disposed of with order dated 18.12.2019 and against the said order, the petitioner has preferred LPA No.504 of 2021 in which an order has been passed in his favour directing the respondent authorities that the name of appellant for selection and appointment on par with such of those persons who are similarly situated and who have been selected and



appointed prior to **Kapil Kumar Vs. State of Bihar & Ors** within a period of 3 months from the date of receipts of the judgment in so far as appellant is concerned, has to be taken. In the light of the observation made by the Hon'ble LPA Bench, the petitioner has filed representation, but the same was rejected on the ground that the petitioner being a general candidate, has worked only for 418 days.

5. Learned counsel for the State, on the other hand, submits that the petitioner has not worked for 1024 days rather his working day was 418 days only which is less than 16 days fixed for the general candidates as per the then advertisement, therefore, his selection has not been made.

6. Upon hearing the parties, this Court is of the view that the case of **Kapil Kumar** (supra) is not applicable in the present case in the light of direction made by Hon'ble LPA Bench and there was a specific direction to the District Magistrate to take decision with regard to the petitioner as like that of those persons, who were earlier selected prior to Kapil Kumar. The representation was disposed of indicating that the petitioner has worked only for 418 days, whereas the specific claim of the petitioner is that he had worked continuously for 1024 days.



7. It transpires to this Court that there is a sharp contradiction between the same and the respondents have not make any specific pleading on this issue that he has not worked for 1024 days.

8. In this view of the matter, this Court is of the view that the controversy exists between the parties, which cannot be tested here. As such, it is directed to the petitioner to file a civil suit before Civil Court, Motihari and the Civil Court shall call for the record from the District Magistrate Office and after scrutiny, shall verify that whether the contention of the petitioner is correct or not? Upon scrutiny, if it has been found that the petitioner had worked for more than $418+16=434$ days, then the respondent authorities shall accept his joining in the light of order passed in LPA No.504 of 2021 within 90 days from the date of decision of the Civil Court.

9. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J)

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