

Satyendra Kumar And Ors Vs State Of Bihar

Court: Patna High Court

Date of Decision: Jan. 16, 2023

Hon'ble Judges: Prabhat Kumar Singh, J

Bench: Single Bench

Advocate: Apurva Kumar, Subhash Chandra Mishra

Final Decision: Dismissed

Judgement

1. This writ application has been filed for issuance of direction to the respondent authorities to appoint the petitioners, who have all been empanelled in

Class IV in Begusarai Collectorate, pursuant to the panel dated 25.11.2011 against vacant sanctioned posts and for grant of all other relief/reliefs to

which the petitioners are found entitled.

2. It is submitted by learned counsel for petitioners that in spite of preparation of panel in the year 2011, till date petitioners have not been appointed

against sanctioned post of Class IV in Begusarai Collectorate. It is further submitted that the respondents authorities came out with a public notice

dated 02.01.2011 in the Hindi daily newspaper inviting applications for preparing a panel for appointment on permanent vacant posts of Class IV

employees. The petitioners filed their applications as directed. The names of all the petitioners were included in the panel prepared on 25.11.2011

under the signature of the District Magistrate, Begusarai. The names of all the petitioners figured on different serial numbers in the panel prepared by

the authorities, but till date, petitioners have not been appointed on the vacant sanctioned post of Class IV in the Begusarai Collectorate.

3. Learned counsel for the State, in reply, submits that in obedience to the order dated 28.09.2011 passed by this Court in M.J.C. No. 1627 of 2011

(Ghanshyam Sah and others vs. The State of Bihar and others), the respondent no. 4 prepared a panel of 209 candidates and was ready to appoint

them, but in the meantime, a different order of this Court dated 01.12.2011 passed by another co-ordinate Bench of this Court in C.W.J.C. No. 12109

of 2010 (Umesh Jha and others vs The State of Bihar and others) came in light and due to said order, the appointment could not be made.

4. He further submits that the answering respondent filed an appeal, vide L.P.A. No. 427 of 2013 before this Court against order passed in C.W.J.C.

No. 12109 of 2010, which was heard by a Division Bench of this Court and after hearing the parties, the Division Bench passed order on 04.03.2014

giving following direction to the respondent:

“All vacancies in Class IV cadre in the district of Begusarai will be filled in by holding recruitment process afresh. The persons placed in

the past panel/s will not have a right to priority or preferential right on account of their placement in such panel/s.

5. In that view of the matter, the writ petition has become infructuous and fit to be rejected.

6. In reply to the above contention of State, learned counsel for the petitioner submits that the panel of 2011 was not touched by the Division Bench of

this Court.

7. In view of submissions made on behalf of the parties and order passed by this Court in L.P.A. No. 427 of 2013 whereby a direction was given that

all the vacancies in Class IV cadre in the district of Begusarai will be filled in by holding recruitment process afresh and the persons placed in the past

panel will not have a right to priority or preferential right on account of their placement in such panel, the writ petition has got no merit and same is,

accordingly, dismissed.