

**(2006) 08 PAT CK 0120**

**Patna High Court**

**Case No:** CWJC No. 6115 of 2001

Neela Kumari @ Neela Devi and  
Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

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**Date of Decision:** Aug. 3, 2006

**Citation:** (2007) 1 PLJR 1

**Hon'ble Judges:** Narayan Roy, J

**Bench:** Single Bench

**Advocate:** Aditya Narain Singh and Kundan Kumar Sinha, for the Appellant;

**Final Decision:** Allowed

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### **Judgement**

@JUDGMENTTAG-ORDER

Narayan Roy, J.

Heard counsel for the parties. Both the writ applications since involve common question of law and facts, they have been heard together and are being disposed of by this order.

2. The petitioners are desirous of their appointment on the posts of A.N.M. pursuant to a panel prepared in the year 1995 in the district of Siwan.

3. It is precisely contended by Mr. Aditya Narain Singh, counsel for the petitioners that petitioners were selected pursuant to an advertisement for the posts of A.N.M. and finally a panel was prepared in the year 1995 including the names of the petitioners and other similarly situated persons whose names have been referred in paragraph 10 of the counter affidavit to C.W.J.C. 9049 of 2001, however, were appointed in the year 1998, but the petitioners were not appointed and consequently thereof they approached this Court by these writ applications, it is further contended that according to the decisions of this Court in several writ applications, cases of the candidates who were selected prior to June, 1996 would be governed by the old provision and since the petitioners are governed under the

panel of 1995 much prior to the cut-off date i.e. June, 1996 their cases could have been considered for appointment alongwith other candidates who have already been appointed, as referred to above.

4. The fact that some of the persons out of the same panel as referred in the writ applications were appointed is not being disputed by the counsel for the State nor this fact is denied in the counter affidavit. The fact, therefore, remains that some of the similarly situated persons out of 1995 panel were appointed in the year 1998.

5. JC to AAG II, however, submit that those persons were appointed pursuant to the orders passed by this Court in the writ applications.

6. Admittedly, the case of the petitioners and others should be governed by old procedures and rules as per the decisions of this Court where a cut-off date was fixed as June, 1996. The State authorities, in that view of the matter, rightly appointed some of the persons pursuant to the directions of this Court, but at the same time, they cannot discriminate so far as the petitioners are concerned as they are also in the select list.

7. No other excuse has been taken in the counter affidavit.

8. Considering the facts and circumstances of the case and for the reasons as referred to above, both the writ applications are allowed. The respondents authorities are directed to issue appointment letters to these petitioners after proper verification of the panel within a period of six weeks from the date of receipt/production of a copy of this order.