
(2007) 01 PAT CK 0112

In the Patna High Court

Bhupendra Narayan Sinha @ Bhupendra Prasad Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-01-2007

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2007) 3 PLJR 18

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—Heard learned Counsel for the petitioner and the State.

2. Petitioner is aggrieved by the order dated 24.11.2004, Annexure-6, passed by the Collector, Banka, whereunder his case for appointment on Class IV post in response to the Advertisement No. 13/98 dated 24.4.1998, Annexure-2 has been refused on the ground that the petitioner served as Class IV candidate peon in the district of Munger and not in the district of Banka as appointment in terms of the advertisement dated 24.4.1998, Annexure-2 was to be made on Class IV post in the Collectorate at Banka.

3. Learned Counsel for the petitioner has assailed the said order on the ground that the order is violative of Articles 14 and 16 of the Constitution of India as also the terms of the advertisement which does not mandate that work experience earned in the district of Banka shall only be taken into account for appointment on Class IV post in terms of the advertisement dated 24.4.1998, Annexure-2. In this connection he has further submitted that the authorities of the Banka district had verified the work experience of the petitioner from the Collectorate at Munger and once they were satisfied about the work experience of the petitioner, they should have treated the case of the petitioner like any other candidate peon who served at Banka and should not have refused appointment only on the ground that the petitioner had served as candidate peon in the district of Munger alone.

4. Perusal of the advertisement, Annexure-2 clearly indicates that the candidates will be given preference if they have served the offices of the Govt. on daily wage basis prior to 1.8.1985. From the advertisement, it does not appear that the work experience earned in the Collectorate at Banka will not be taken into account. In the circumstances, I am of the view that the order dated 24.11.2004, Annexure-6 has been passed not only contrary to the terms of the advertisement but also ignoring the provisions of Articles 14 and 16 of the Constitution of India, which provides for equal opportunity to a citizen in the matters of employment.

5. Accordingly, I have no option, but to quash the order dated 24.11.2004, Annexure-6 and direct the Collector, Banka to consider the case of the petitioner for appointment on Class IV post taking into account his work experience earned at Munger.

6. Necessary consideration in the light of this order should be made as early as possible, in any case within three months from the date of receipt/ production of a copy of this order.

7. This application is, accordingly, disposed of. No cost.