
(2007) 09 PAT CK 0080
In the Patna High Court
Case No : LPA No. 747 of 2007

Manoj Kumar Verma and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 20-09-2007

Acts Referred:

Citation : (2007) 4 PLJR 553

Hon'ble Judges : Narayan Roy, J; Madhavendra Saran, J

Bench : Division Bench

Judgement

1. Heard Mr. Vinod Kanth, learned senior counsel for the appellants and Mr. Shyam Kishore Sharma, learned Government Advocate No. 5 for the State. The order impugned appears to have been passed in analogous writ applications of which the appellants were also parties. The writ applications were disposed of directing the respondent District Magistrate, Gaya to proceed in pursuance of the Advertisement already published and only relaxation should be given to such candidates who could not apply on account of pendency of the writ application.

2. Mr. Kanth, learned counsel for the appellants submitted that pursuant to an earlier advertisement of the year 2000, the appellants and several others had already applied and pursuant to which the process of selection was concluded and they were empanelled. However, in 2005 again posts were advertised during the pendency of the writ applications where the appellants could not apply on account of stay order passed in the writ applications. Learned counsel, in this view of the matter, submitted that the appellants in case apply pursuant to the direction of this court as referred to above, their cases may be considered as most of them have become over age and they were the panelists pursuant to earlier advertisement by giving age relaxation etc.

3. No doubt, the matter has a chequered career and the Class IV posts were being advertised from time to time right from 2000 and even after preparation of the panel, the posts could not be filled up in the Collectorate of Gaya due to intervention of the parties as the matter was dragged to this court at different

stages in different writ applications.

4. In the given facts and circumstances of the case, in our view, the process of filling up of the posts in Gaya Collectorate must be finally concluded considering the cases of the eligible persons who are applicants pursuant to advertisement of the year, 2005 on giving them age relaxation etc. in case some of them are found to be over age. At the same time, we would like to clarify that in case appellants and other similarly situated persons who were parties in different writ applications before this court and could not apply due to the stay order granted by this court, may be allowed to apply by publishing a corrigendum to the advertisement prescribing the outer limit for filing of the applications. The corrigendum, if any however, should be issued within a period of fortnight from the date of receipt/production of a copy of this order. With the aforesaid observation/direction, this appeal is disposed of.