

(2006) 10 PAT CK 0003
In the Patna High Court
Case No : CWJC No's. 16483 of 2004

Mithilesh Kumar Singh and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 09-10-2006

Acts Referred:

Citation : (2006) 4 PLJR 368

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Judgement

Shiva Kirti Singh, J.—The petitioners have been recommended by the Bihar Public Service Commission for appointment to Class-III posts in different districts but their appointments have not materialised because the District authorities are of the view that actual vacancy for direct recruitment are less than numbers which were mentioned in the requisition sent to the Commission. On the other hand, petitioners have placed reliance upon policy decision of the State Government contained in annexure-10 to the rejoinder dated 13.11.04 to show that for various reasons the vacancies got reduced, one of the reasons being absorption of certain employees under the orders of the Supreme Court and therefore, the State Government took a special decision to fill up the vacancies occurring up to 31.12.2004 in the Collectorate and other offices under the Collectorate so as to accommodate the recommended candidates like the petitioners. Some further favourable decisions appearing in annexure-10 provide that to accommodate such recommended candidates vacancy occurring in other regional offices at district level may be utilised. The counter-affidavit filed in some of the writ petitions do not show that the District Administration has carried out the required exercise to fill up the vacant posts up to 31.12.2004 in the Collectorate or offices under the Collectorate or other regional offices at district level in accordance with the decision of the State Government. Such exercise is necessary because the petitioners are praying for enforcement of the decision of the State Government which is in their favour to a large extent because they are the candidates already recommended by the Bihar Public

Service Commission on the basis of their performance in the main examination and on the basis of vacancies for which requisitions had been submitted earlier.

2. It is necessary that the District Magistrates of each district shall carry out necessary exercise in terms of the Government decision contained in annexure-10 within a period of eight weeks from today. The vacancies identified in accordance with the aforesaid decision of the State Government may be filled up by the recommended candidates in accordance with their merits and the Government decision itself as contained in annexure-10 without any delay. Counter-affidavit prepared on the basis of this order and after undertaking the aforesaid exercise must be filed in this court after eight weeks.

3. Let these matters be listed under the same heading after 9 weeks. These cases shall maintain their position in the list. Let a copy of this order be handed over to G.A. 5 who has appeared in the main case today. Copies of this order shall be made available to him to communicate the same to other State Counsel if required so that this order may be complied by the next date.