
(2006) 03 JH CK 0021

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6335 of 2005

Mohan Lal Bhagat

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-03-2006

Acts Referred:

Citation : (2006) 3 JCR 124

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Delip Jerath, S.N. Prasad, Rajesh Kumar, R.K. Singh, S.S. Kumar, R. Sinha and A. Kumar, for the Appellant; M.K. Laik, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ petition, the petitioner has prayed for quashing the order as contained in letter dated 13.6.2005 issued by he Deputy Commissioner, Pakur wherein he decided to fill up the total 17 posts of Panchayat Sevak from direct recruitment and, further an order directing the respondents to till up 11 posts of Panchayat Sevak from amongst the Dalpaties.

2. The petitioner's case is that he as worked as Dalpati since 1989 and in 1990 he successfully completed the training. In 2005, a seniority list of Dalpaties working in the district of Pakur was prepared in which the name of the petitioner figures at serial No. 25. The petitioner's further case is that in 2002, a decision was taken by the State Government to fill up 50% posts of Panchayat Sevak by way of direct recruitment and 50% from amongst the Dalpaties. However, in the meantime, new Recruitment Rule came into force and in pursuant to that, the Deputy Commissioner has written a letter to the Director, Panchayat, Government of Jharkhand stating that the Department has to make appointment of 17 Panchayat Sevaks as per new Rule i.e. 50% of the total of Panchayat Sevak will be filled up from amongst Dalpaties and the remaining 50% by way of direct recruitment. The petitioner's case is that the respondents have arbitrarily applied the new Rule and appointed Panchayat Sevaks and thereby the case of

the petitioner has not been considered.

3. The respondent's case, on the other hand, is that the new Rule has been followed in the matter of appointment of Panchayat Sevak and according to the guidelines, 8 Panchayat Sevaks from Dalpaties and 9 from direct recruitment have been appointed. Respondent Nos. 2 and 3 in their counter affidavit have stated that when the appointment procedure was initiated, the new Rule came into effect and therefore the said Rule was followed and decision was taken to fill up only 50% of the post of Panchayat Sevaks from Dalpaties. The new Rule, namely Jharkhand Panchayat Sachiv (Niyukti Sewashart Avam Kartavya) Niyamavali, 2002, came into force on 17.10.2002.

4. Admitted the new rule, mentioned above, came into force with effect from 17.10.2002. The procedure for appointment of Panchayat Sevak was initiated after the new Rule came into force. Moreover, decision was also taken for initiating action for appointment much after 17.10.2002. There is no dispute that as per the new Rule appointments have to be made in accordance with the new rules. It is not the case of the petitioner that the procedure provided in the new Rule has not been followed. In that view of the matter there is no illegality in the matter of appointment of Panchayat Sevak by the respondents.

5. For the aforesaid reasons, no relief can be granted to the petitioner. This writ application is, accordingly dismissed.