

(2005) 01 JH CK 0056
In the Jharkhand High Court
Case No : C.W.J.C. No. 11555 of 1997 (P)

Mohan Prasad Singh and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-01-2005

Acts Referred:

Citation : (2005) 1 JCR 365

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : Saurav Arun, M.J. Rahman and Prakash Jha, for the Appellant; Bharti Kumari, JC to GP-IV, for the Respondent

Judgement

R.K. Merathia, J.—Learned counsel for the petitioners are permitted to add the Commissioner-cum-Secretary, H.R.D. Department, Government of Jharkhand as party respondent No. 6 within the course of the day.

2. Mr. Saurav Arun submits that he has filed Vakalatnama on behalf of petitioner Nos. 6, 14 to 24, 26 to 29.

3. Mr. M.J. Rahman submits that he has appeared on behalf of petitioner No. 5.

4. Mr. Shri Prakash Jha submits that he has appeared on behalf of petitioner No. 25.

5. No body appeared on behalf of other petitioners, though the case was transferred from Patna, on the basis of submission made on behalf of petitioners, on 20.11.2001.

6. Heard learned counsels for the petitioners, for the State of Bihar and for State of Jharkhand.

7. Petitioners have prayed for quashing the Memo No. 32 dated 22.1.1997 passed by the Director, Primary Education, H.R.D. Department, Bihar, Patna (Annexure 7) and for commanding the respondent authorities to include their

names in the panel and to exclude from the panel the names of those candidates who are not genuine and are fictitious and have been included through back door at the instance of Shri R.P. Sahi, S.D.E.O., Patna Sadar Custodian of Records (Respondent No. 3).

8. In view of the order, which I intend to pass, it is not necessary to issue notice to the respondents and to keep this old matter pending any further.

9. Learned counsels for the petitioners fairly submitted that this is an old case relating to a very old panel of the year 1994. However, it is submitted that now after creation of Jharkhand, the matter may be enquired by the respondent No. 6 and for this purpose copy of the writ petition may be treated as representation.

10. Learned counsel for the State of Bihar and Jharkhand could not object to such prayer.

11. In the circumstances, the interested petitioners may jointly or severally make such representation before the Commissioner-cum-Secretary, H.R.D. Department. Government of Jharkhand, Ranehi (respondent No. 6), by filing legible copy of the writ petition along with their correct address within four weeks from today, which may be treated as a representation on their behalf.

12. On receipt of such representation, respondent No. 6 shall enquire into the matter himself or through any competent officer and pass orders in accordance with law within four months from the date of receipt of such representation. If respondent No. 6 needs any records, the concerned authorities of Bihar will provide the same without any delay. If respondent No. 6, intends to take any action against any person, he may do so, after service of show cause notice on such person.

13. It is made clear that this Court has not gone into the merits of the case.

14. With these observations and directions, this writ petition is disposed off.