

Raj Kumar & ors. Vs. Dr. Lakshmi Rai & ors.

For petitioner :- Mr. Sujeet Kumar Sinha
 For State :- Mr. Ranjit Sinha, JC to SC3
 For B.P.S.C. :- M/S Rajendra Pd. Singh & Rajeew Kumar Singh.

7. 5.11.2003

This MJC is an off shoot of CWJC No. 1376/97. Earlier the petitioners had filed MJC No. 1969/99 alleging disobedience of the Court's order. By order dated 27.6.2000 the petition was disposed of with a direction to the authorities to conclude the process of recommendation within two months. The dispute related to 3rd Graduate level Competitive Examination for appointment on different posts. By order aforesaid this Court observed that Bihar Public Service Commission ('the commission' for short) is required to make further recommendation on 191 posts including 29 posts of Health Educator. The petitioners have enclosed chart showing the vacancies on different posts against which, according to them, recommendations have not been made by the Commission.

The case was heard earlier and adjourned to enable the Commission to complete the process of recommendation in compliance of the Court's order. Today a supplementary show cause, the affidavit in support of which has been affirmed by Shri Syed Masoom Ali, Dy. Secretary of the Commission, has been filed

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stating that the Commission has sent recommendations against almost all the vacancies. The non-recommendation for certain posts is on account of non-availability of suitable candidates or like reason.

After a detailed hearing, counsel for the petitioner submitted, that in view of the facts stated in the show cause he would not like to pursue the matter further but a direction may be issued to the State Government to make appointment pursuant to the recommendation within a time frame. There is no objection to this prayer. Accordingly, I direct the State Government through the Secretaries of the concerned departments to issue appointment orders as soon as may be, in any case within two months. If any formality is to be observed in the matter, that should be done within this period.

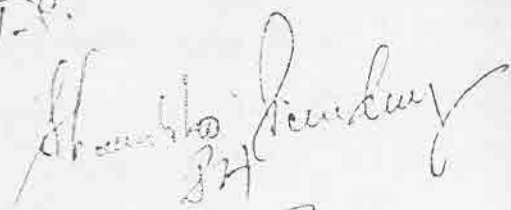
The MJC is accordingly disposed of.

Let a copy of this order be handed over to Standing Counsel 3 for communication.


(S.H. Jha)

S. Pandey

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