

IN THE HIGH COURT OF JUDICATURE AT PATNA

Vivek Kumar
vs.
State of Bihar and Others

Civil Writ Jurisdiction Case No. 11053 of 2015

24 August, 2023

(Hon'ble Mr. Justice Mohit Kumar Shah)

Issue for Consideration

Whether revision petition filed by the petitioner before concerned Authority, where his application for appointment of Vikas Mitra was rejected requires interference?

Headnotes

Service Law—Vikas Mitra—Appointment—denial—petitioner was placed at serial no.2 in the merit list—petitioner challenged the selection of private-respondent no. 7 in writ petition—writ petition was dismissed, but liberty was granted to the petitioner to raise his grievance before the Sub-Divisional Magistrate—petitioner filed his case before Sub Divisional Officer, which was dismissed—petitioner filed revision before concerned Authority, which was also rejected by non-speaking order.

Held: impugned order passed by the Collector, does not depict that any clear, cogent and succinct reasons have been furnished for arriving at a decision to the effect that the revision petition of the petitioner is required to be rejected—impugned order quashed and the matter is remanded back to the concerned Authority for rehearing and passing an order afresh, in accordance with law—writ petition allowed. **(Paras 2, 7, 9 and 10)**

Case Law Cited

Oryx Fisheries (P) Ltd. vs. Union of India, **(2010) 13 SCC 427**—Relied Upon.

List of Acts

Service Law.

List of Keywords

Vikas Mitra; appointment; rejection; non-speaking order;

Case Arising From

From order dated 05.12.2014, passed by the District Magistrate-cum-Collector, Aurangabad in Misc. Revision (Vikas Mitra) Case No. 86 of 2013.

Appearances for Parties

For the Petitioner: Mr. Purushotam Sharma, Advocate.

For the State: Mr. Sajid Salim Khan, SC-25; Mr. Arif Daula Siddique, AC to SC-25.

Headnotes Prepared by Reporter: Abhas Chandra, Advocate

Judgment/Order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11053 of 2015

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Vivek Kumar S/o Kapil Devi Mochi R/o Vill- Kanker, P.O.-Bharhem, P.s Navinagar, Panchayat, Kanker, Dist Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurnagabad.
3. The Sub-Divisional Officer, Aurnagabad.
4. The District Welfare Officer, Aurnagabad.
5. The Block Development Officer, Navinagar, Aurnagabad.
6. The Block welfare Officer, Navinagar, Aurnagabad.
7. Umesh Ram S/o Kuldip Ram R/o Vill- Salaiya Karma, P.O. Pironta gram Panchayat Kerka, Prakhand-Navinagar District Aurnagabad.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Purushotam Sharma, advocate
For the State	:	Mr. Sajid Salim Khan, SC-25
		Mr. Arif Daula Siddique, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-08-2023

1. The present writ petition has been filed seeking quashing of the order dated 28.12.2012, passed by the Sub-Divisional Officer, Aurangabad, whereby and whereunder the case of the petitioner for appointment on the post of Vikas Mistra at Gram Panchayat, Kanker, village-Barhem, P.S.- Navinagar, District-Aurangabad, has been rejected. The petitioner has also challenged the order dated 05.12.2014, passed by the District Magistrate-cum-



Collector, Aurangabad in Misc. Revision (Vikas Mitra) Case No.86 of 2013, whereby and whereunder the appeal filed by the petitioner has been rejected.

2. The brief facts of the case are that in the year 2010, the process for appointment of Vikash Mitra was initiated by Kanker Panchayat, village-Barhem, District-Aurangabad and a merit-list dated 10.03.2010 was prepared, wherein the private respondent no.7 was shown to be at serial no.1, whereas the petitioner was placed at serial no.2 in the merit list. The petitioner had then filed his objection and when no action was taken, he had filed a writ petition before this Court bearing CWJC No.17652 of 2011, whereby and whereunder though the writ petition was dismissed, but liberty was granted to the petitioner to raise his grievance before the Sub-Divisional Magistrate, whereafter the petitioner had filed Misc. case bearing Misc. Case No.03 of 2022 before the Sub-Divisional Officer, Aurangabad, however the same was dismissed by an order dated 28.12.2012, which



was challenged by the petitioner by filing Misc. Revision (Vikas Mitra) case no.86 of 2013 before the District Magistrate, Aurangabad, however, the same has also stood dismissed by the impugned order dated 05.12.2014.

3. The short issue raised by the learned counsel for the petitioner is that a bare perusal of the impugned order dated 05.12.2014 would show that the same is merely narration of the events, which had taken place in the present case and ultimately, without mentioning any reason or ground for dismissing the revision petition, the revision petition has been dismissed.

4. *Per contra*, the learned counsel for the respondent-State has though submitted that there is no procedural irregularities in conduct of the proceedings, however, he is unable to show that the impugned order dated 05.12.2014 is a reasoned and a speaking order.

5. As far as the private respondent no.7 is concerned, though he is represented by a duly appointed counsel, namely, Mr. Satyapal Singh,



Advocate, but he has not bothered to appear before this Court.

6. I have heard the learned counsel for the parties and gone through the materials on record.

7. A bare perusal of the impugned order dated 05.12.2014, passed by the Collector, Aurangabad does not depict that any clear, cogent and succinct reasons have been furnished for arriving at a decision to the effect that the revision petition of the petitioner is required to be rejected.

8. It is a well settled law that furnishing cogent, clear and succinct reason is a necessary ingredient of the decision making process and in absence of the same, the decision cannot be sustained in the eyes of law. In this connection, reference be had to a judgment rendered by the Apex Court in the case of **Oryx Fisheries (P) Ltd. vs. Union of India**, reported in **(2010) 13 SCC 427**.

9. In such view of the matter, this Court finds that since the impugned order dated 05.12.2014 does not furnish any clear, cogent or



succinct reasons for coming to the conclusion that the revision petition filed by the petitioner is devoid of any merit, the same is not sustainable in the eyes of law, hence the impugned order dated 05.12.2014, passed by the District Magistrate-cum-Collector, Aurangabad in Misc. Revision (Vikas Mitra) Case No.86 of 2013 is quashed and the matter is remanded back to the Collector, Aurangabad for rehearing and passing an order afresh, in accordance with law.

10. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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CAV DATE	NA
Uploading Date	08.09.2023
Transmission Date	NA

