

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16441 of 2013**

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Ragini Kumari Daughter Of Janardan Prasad Resident Of Village- Panditpur,  
P.O.- Rajgir, P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District and Sessions Judge, Saran, At and P.O.- Chapra, District- Saran

... .. Respondent/s

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**Appearance :**

|                      |   |                                                               |
|----------------------|---|---------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Basant Kumar Singh, Adv.<br>Mr. Vishesh Kumar Singh, Adv. |
| For the Respondent/s | : | Mr. Arvind Ujjwal, Adv.<br>Mr. Piyush Lall, Adv.              |

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**

**ORAL JUDGMENT**

**Date : 05-01-2026**

**1.** The instant Writ petition has been filed by the petitioner for a direction to the respondent No. 2 to select/ appoint the petitioner for the post of peon in the District Court, Saran at Chapra and also to stay process of appointment of the selected candidates.

**2.** The brief facts, as culled out from the Writ petition are that on 18.04.2011, respondent No. 2 published an advertisement for appointment of the post of Peon in Chapra Civil Court vide



Employment Notice No. 03/2011, for filling up 25 posts on temporary basis. The petitioner applied for the said post. After due scrutiny, the appointing authority issued an interview letter dated 22.03.2013, under his signature, fixing the date of interview on 05.04.2013. The petitioner appeared for the interview on the date and time so fixed. The result was published in the daily newspaper "Hindustan" on 18.07.2013 by the appointing authority, wherein 25 candidates were selected in which no female candidate as per roster has been declared pass.

**3.** It is the specific contention of the Learned counsel for the petitioner that the action of respondent authority is illegal and violative of Principle of natural justice as well as infringement of his fundamental rights and as such the Writ petition has been filed.

**4.** It is pertinent to mention that the petitioner has not challenged the notification of the appointment. The specific prayer of the petitioner is for a direction to appoint and select her to the



post of peon in the District Court Saran at Chapra.

**5.** A counter affidavit on behalf of the respondent No. 2 was filed which disclose that by Letter No. 1279 dated 22.05.2010, the District and Sessions Judge, Saran at Chapra informed the Patna High Court on its administrative side regarding the vacancy position of Class-IV posts in Judgeship of Saran, at Chapra. Thereafter, by Letter No. 11580 dated 09.09.2010, the Patna High Court directed the District and Sessions Judge, Saran at Chapra to proceed to fill up 25 vacancies of Class-IV posts existing in the Judgeship against the sanctioned strength.

**6.** In compliance thereof, an advertisement bearing Employment Notice No. 03/2011 dated 28.04.2011(Annexure-1) was issued by the Judgeship of Saran, at Chapra inviting applications for recruitment of 25 Class-IV posts, specifying the reservation details. Pursuant to the said advertisement, the petitioner also applied for the post of Peon under backward class category.

**7.** The selection process was conducted on



28.04.2011, in accordance with the Bihar Civil Court Staff (Class III and IV) Rules, 2009 by holding interview of eligible candidates, including the petitioner and marks were awarded on the basis of their performance in the interview by the selection committee, of the Judgeship of Saran, at Chapra.

**8.** After completion of the selection process, category-wise merit list as well as waiting list was prepared on the basis of marks obtained by each of the candidates and the same was forwarded to the Patna High Court for approval vide Letter No. 2777 dated 05.07.2013, informing that while preparing merit list, reservation policy of State including roster system has been followed. After due approval by the Patna High Court, the merit list was published.

**9.** The counter affidavit further disclose that 25 posts of peon advertised under employment notice dated 28.04.2011 were to be filled as per roster points from Sl. No. 27 onward as per the reservation rules. It was also found necessary to prepare a waiting list of 13



candidates in continuation of the merit list of 25 candidates, in accordance with merit list and reservation policy. Accordingly, 3% posts under reservation rules of the State Government policy was to be reserved provided for Backward Class female candidates. Since only 25 posts were advertised, the number of 3% of post for female backward class came to be less than one post and, therefore, no post could be earmarked for reservation under the said category.

**10.** By Letter No. 9603 dated 11.07.2013, the Patna High Court informed the District and Sessions Judge, Saran at Chapra that the merit-cum-selection list of 25 candidates for appointment on the post of peon has been approved and further a direction has been given for preparation of a waiting list of 13 candidates as per rules. In compliance thereof, a revised waiting list of 13 candidates was sent for approval vide Letter No. 3184 dated 03.08.2013. The same was approved and communicated by the Patna High Court vide Letter No. 11016 dated 23.08.2013. Thereafter, the



approved list of 25 successful candidates was published vide notice dated 15.07.2013 (Annexure-4), and the selected candidates were duly appointed to the post of Peon.

**11.** The counter affidavit further disclose that there was no irregularity in the selection process and Writ petition itself is not maintainable in the.

**12.** Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents perused the records.

**13.** Upon considering the entire material on record, neither this Court finds no illegality in the selection process. The reservation policy has not been violated, as alleged by the petitioner. Since no reserved seats for backward class female were available within the 3% limit for a total of 25 posts which would be less than one post. Further, the cause title of the Writ petition disclose that only two respondents have been arrayed as parties and selected candidates have not been arrayed as parties/respondents. The counter affidavit further



disclose that selection of candidates was effected on 15.07.2013 itself and, therefore, the selected candidates are necessary parties to the Writ petition.

**14.** In view of the above discussion, and in the absence of any irregularity in the selection process, the Writ petition is devoid of merits *in liminie*.

**15.** In result, the Writ petition is dismissed.

**(G. Anupama Chakravarthy, J)**

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