

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1026 of 2014

Devendrajee S/O Late R.S.P. Mehta Resident Of Village- Patepur, Gopinath, P.S.-
Pusa, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, New Secretariat, Patna
2. The Director (Higher Education), Government Of Bihar, Patna
3. The Deputy Director (Higher Education) Human Resources Development Department, Government Of Bihar, Patna
4. The Director-Cum-Chairman, Rural Institute, Birauli, District- Samastipur
5. Sri Chandeshwar Prasad S/O Late Sukhdeo Bhagat, At Present Working As Steno-Typist, Rural Institute, Birauli, District- Samastipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ALOK KUMAR

For the Respondent/s : Mr. MITHILESH KUMAR PATHAK

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

21.04.2015

Heard learned counsel for the parties.

Before any relief can be granted to a petitioner, his bona fide and conduct must be above board. Merely, because the petitioner raises fingers against certain persons, when there are many a chinks in the petitioner's own armour, for which he has no answer. The Court will surely consider whether the relief which the petitioner is looking for can be extended to him, especially when he cannot become the beneficiary

even if the Court decides to strike down the appointment of private-respondent no. 5.

A long drawn battle has been going on with regard to appointment of the private-respondent on the post of a Clerk-cum-Stenographer made as far back as on 03.09.1997 in an institution known as Rural Institute, Birauli in the district of Samastipur. Petitioner claims that he was a formidable candidate, having all the requisite eligibility to be appointed on the post of a Clerk-cum-Stenographer. In an earlier writ application, filed by one Sundeshwar Sharma, in which the present petitioner was also a party as a petitioner, a direction was issued upon the Director to take a decision on the dispute. The adjudication is Annexure-5.

Though certain doubts were expressed by the Director with regard to the validity of appointment of Respondent No. 5, nothing in favour of the petitioner was observed with regard to his claim for such consideration or appointment. In the meantime, the private-respondent approached the Minister with regard to the observation of the Director and an order, contained in Annexure-10 has been passed, affirming the validity of such selection and appointment. Annexure-10, dated 26.11.2013 is now under challenge.





One thing is evident that the appointment of the private-respondent was made way back in the year 1997. More than 18 years have gone past since such selection and appointment. Over the period of 18 years many a things have emerged even against the petitioner. The various roles, which the petitioner has to shoulder, his appointment in other organizations, different dates of birth in different matriculation certificates and a series of criminal cases filed against him. All these facts may led to the conclusion that the petitioner has many facets to his personalities. But surely that is not good enough for this Court to strike down the selection of the private-respondent or giving any direction in favour of the petitioner for consideration. There could be an element of personal vendetta for which the petitioner is pursuing the matter, but the Court cannot reach out to him when his own hands are not clean and all these facts have only emerged when the respondents have filed a detailed counter affidavit, which is not even denied by the petitioner.

With the baggage, which the petitioner is carrying does not beget him a right for such appointment. Since, there is no aggrieved person, besides the petitioner with regard to the selection of the

private-respondent, the Court, therefore, is not inclined to exercise its discretion to interfere with Annexure-10.

Writ application is dismissed for the reasons indicated above.

(Ajay Kumar Tripathi, J.)

