

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4537 of 2015

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Mohammad Reyaz Son of Ghulam Rasool, Resident of Village - Abgail,
P.O. + P.S. - Narhat, District - Nawada, Bihar.

.... Petitioner

Versus

1. The Zonal Manager, Zonal office, Allahabad Bank, Budh Marg, Patna-800001.
2. The Chief Manager, Personnel and Administration, Zonal Office, Allahabad Bank, Budh Marg, Patna - 80000.
3. The Branch Manager, Allahabad Bank, Khanwa Branch, P.O. + P.S. Khanwa, District Nawada.
4. Anita Devi, Wife of Kailash Paswan, Resident of Village - Narhat, P.S. Narhat, District - Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

For the Respondent/s : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 26-03-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has a grievance against the appointment of respondent no.4 on the post of part time Sweeper and that he had also been subjected to selection under the norms fixed in the advertisement, this Court would find it difficult to interfere with the order of appointment of respondent no.4 because it is nowhere stated in the writ petition that respondent no.4 was not qualified for the post. The judicial review sought by the petitioner before this Court that he was better qualified cannot be made. The plea raised by the petitioner that he was better qualified than respondent no.4 is a subject matter which had to be examined by the Selection Committee. If the Selection

Committee has found respondent no.4 better than the petitioner, he (petitioner) cannot have any claim to be appointed only because he thinks that he had all the qualification for the post.

At this stage learned counsel for the petitioner submits that there are other vacancies on the post of part time Sweeper on which the petitioner could be appointed.

Mr. Ajay Kumar Sinha, learned counsel for the Bank, submits that when a fresh selection will be made the petitioner may also avail an opportunity alongwith other eligible candidate but at the same time the advertisement was only for one post and that has been filled up by respondent no.4. The petitioner having already participated in that selection in which he alongwith others were considered cannot claim for preferential treatment in the matter of appointment on any future vacancy. Such future vacancy will have to be filled up following the mandate of Articles 14 and 16 of the Constitution of India.

That being so, this application is wholly misconceived and is accordingly dismissed.

(Mihir Kumar Jha, J)

surendra/-

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