

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2532 of 2014

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1. Deo Prakash S/O Ramji Seth Resident Of Village- Madarichack, P.O+ P.S-
Mehasi, District- East Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Officer On- Special Duty, District Confidential Section, East- Champaran,
At Motihari.
4. The Sub Divisional Officer, Chakia, East Champaran.
5. The District Panchayat Raj Officer, East Champaran, At 3 Motihari.
6. The Executive Officer, Nagar Panchayat, Mehasi, East Champaran.
7. The Chairman, Nagar Panchayat, Mehasi, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.K.Shrivastava
For the State : Mr. Amiya Kunal, AC to AAG 10
For respondent no.6 : Mr Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-10-2015

Heard counsel for the petitioner and counsel for the
respondents.

Petitioner wants a mandamus upon the respondents to
consider his claim for appointment on the post of a Peon as well as he
wants quashing of Annexure-7 by virtue of which his prayer for
appointment has been rejected by the Special Executive Officer, East
Champaran, Motihari.

There is no dispute that a process was initiated to fill up
certain posts for Nagar Panchayat, Mehasi. Selections were done.
Appointments were made. Petitioner did not make it to the merit

position but he moved the authorities and thereafter the Court when one Birendra Rai, who was appointed, came to be removed for reasons which may not be relevant for the adjudication of the present dispute. Since the vacancy had occurred; petitioner started moving the authorities to appoint him against the said vacant post.

Law is well settled that once an exercise for selection and appointment is complete and appointments made, any vacancy due to resignation, non-joining or removal will be carried over for the next round of advertisement and selection. Such posts cannot be filled up by people lurking in the shades waiting for an opportunity for being appointed against such vacancies.

In view of the above, there cannot be any occasion either to interfere with Annexure- 7 or for a direction to appoint the petitioner. If another round of advertisement is issued for filling the vacant position, petitioner surely may have an occasion to participate provided he fulfils the requirement.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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