

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1283 of 2011

IN

Civil Writ Jurisdiction Case No 3793 of 2011

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Dr Dwijendra Narain Singh S/O Late Surendra Narain Singh Resident Of Village-
Laxmipur, P.S.-Uda Kishanganj, District-Madhepura.

.... Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Science & Technology Department, Government of Bihar, Patna.
3. The Director, Science & Technology Department, Government Of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Jawahar Lal Nehru Marg, Patna.
5. The Secretary, Bihar Public Service Commission, Jawahar Lal Nehru Marg, Patna.
6. The Examination Controller-Cum-Additional Secretary, Bihar Public Service Commission, Jawahar Lal Nehru Marg, Patna.
7. Prof. (Dr) Dhruv Prasad, Presently Posted As Principal In Charge M.I.T., Muzaffarpur.
8. Prof. (Dr) Arun Kumar, Presently Posted As Director, Science & Technology Governvent Of Jharkhand, Ranchi.
9. Prof. (Dr) Achintya, Presently Posted As Incharge Principal, Bhagalpur College Of Engineering, Bhagalpur P.S.-Sabour, District-Bhagalpur, Bihar.

.... Respondent/s

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For the Appellant/s : M/s Anil Kr Tiwary, Ratan Kr, Advocates

For the S t a t e : Mr Anjani Kumar, AAG VI

For the B P S C : Mr P N Shahi, Sr Advocate with
Mr Sanjay Pandey, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 04-08-2015

We had disposed of IA No 3956 of 2015 by a detailed order
on 08.07.2015 giving liberty to the appellant to apply under the fresh



advertisement for which the last date was 24th of July, 2015 (wrongly typed as 28th of July, 2015). This was so because pursuant to the advertisement, which was in question in the writ proceedings and the Letters Patent Appeal, though writ petitioner/appellant ought to have been considered, he was left out. That selection process having completed, there still remained six vacant posts of Principals. BPSC issued fresh advertisement for the post of Principals under the fresh requisition of the State in respect of those unfilled posts. Thus, the earlier selection process having been completed, fresh process had been started. It is to help the writ petitioner/appellant apply and qualify, we had made adjudication and given him the liberty. Notwithstanding the aforesaid, the writ petitioner/appellant was under some misnomer. In spite of liberty granted by this Court, he did not apply. He has filed IA No 6159 of 2015 once again praying that his right, as per first advertisement, be considered.

2 In our view, such a prayer is now infructuous inasmuch as the selection process, pursuant to the first advertisement having exhausted itself, has been closed and all those posts, as noted above, have been readvertised for which we had already given liberty to the writ petitioner/appellant to apply. He failed to take advantage of the same. Thus, the first advertisement having been closed, the second advertisement, the writ petitioner/appellant not applied, no relief can

be granted to the writ petitioner/appellant.

3 Not only this interlocutory application that is IA No 6159 of 2015 has become infructuous, this appeal itself has become infructuous and is disposed of accordingly.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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