

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14769 of 2008

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Munna Kumar @ Munna Kumar Giri son of Late Indradeo Giri, resident of Village - Animal Husbandry Colony, Ward No.1 Saharsa, Police Station- Saharsa, District-Saharsa.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate Saharsa
3. The Deputy Development Commissioner Saharsa.
4. The Deputy Collector Establishment Saharsa Collectorate, Saharsa.
5. The Deputy Collector Nazarat Saharsa, District Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : AC to Addl. Advocate General - 15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 18-09-2015 Heard Sri Jitendra Kumar Roy, learned counsel for the petitioner and learned A.C. to Addl. Advocate General - 15.

The petitioner, invoking writ jurisdiction under Article 226 of the Constitution of India, has prayed for directing the respondents to consider appointment of the petitioner on Class IV post taking into consideration of letter dated 23rd June, 2007.

It has been claimed that an advertisement, vide Advertisement No. 03 of 2006, was published in the year 2006 for preparation of panel of Class IV employees for the year 2006-07. It has further been claimed that the petitioner pursuant to the advertisement applied for being empanelled, but no decision has

been taken till date. Placing reliance on **Annexure – 2** to the writ petition, the petitioner claims that direction may be issued to consider the case of the petitioner for empanelment, in pursuance of the said advertisement.

In this case, a counter affidavit has been filed on behalf of respondent and it has been indicated that after the advertisement, some direction was issued by this Court, vide order dated 07-03-2007 passed in M.J.C. No. 1001 of 2006 and in the light of order of the High Court, a draft panel of 1995 and 1997 was finalized and thereafter, eligible candidates have been appointed and they are working. It has been indicated that due to order passed by this Court, the Adv. No. 03 of 2006 could not be finalized.

In the writ petition, ofcourse, **Annexure – 2** has been brought on record, which suggests that the case of the petitioner was considered, but on record, there is nothing to show that the petitioner ever demanded justice, before approaching the High Court.

Moreover, in view of facts and circumstances, particularly; the fact that the respondents have finalized panel, pursuant to order of this Court and no decision could be taken pursuant to Adv. No. 03 of 2006, the Court considers that no

indefeasible right has accrued to the petitioner for approaching the writ court.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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