

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 999 of 2003

IN

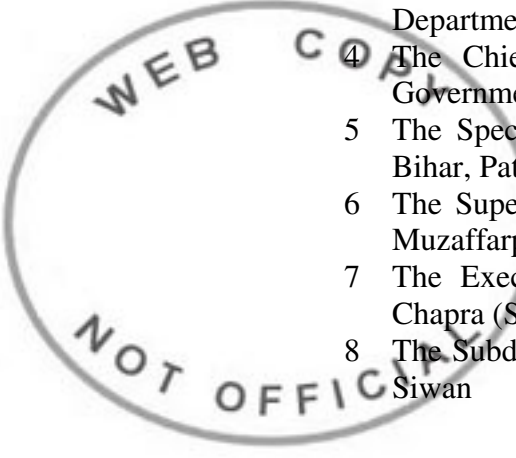
Civil Writ Jurisdiction Case No 490 of 1999

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- 1 Birbal Yadav, son of Indrashan Yadav, resident of Village – Siyari, PS – Barhariya, District – Siwan
 - 2 Jawahar Yadav, son of Sri Satan Yadav, resident of Village – Jiyain, PS – Siwan Mufassil, District – Siwan
 - 3 Rangi Lal Choudhary, son of Sri Chhathu Choudhary, resident of Village – Jiyain, PS – Siwan Mufassail, District – Siwan
 - 4 Ram Prasad, son of Sri Chandra Shekhar Prasad, resident of Village – Bihata, PS – Munjhar, District – Aurangabad
 - 5 Chandra Shekhar Yadav, son of Sri Kishundeo Yadav, resident of Village – Jiyain, PS – Siwan Mufassil, District – Siwan
 - 6 Raj Kumar Choudhary, son of Sri Harish Chandra Choudhary, resident of Village – Jhakhari Hata, PS – Barharia, District – Siwan
 - 7 Ganesh Yadav, son of Bishwanath Yadav, resident of Village – Srinagar, PS – Siwan Mufassil, District – Siwan
 - 8 Arvind Kumar, son of Sri Parmanand Thakur, resident of Village – Bidurti Hata, PS – Siwan Mufassil, District – Siwan
 - 9 Raja Kumar Yadav, son of Sri Raghunath Yadav, resident of Village – Lakhraon, Ward No 3, PS – Siwan Mufassil, District – Siwan
 - 10 Manoj Kumar, son of Shivjee Choudhary, resident of Village – Jiyain, PS – Siwan Mufassil, District – Siwan
 - 11 Bhagwan Yadav, son of late Chandrama Choudhary, resident of Village – Bhada Khurd, PS – Siwan Mufassil, District – Siwan
 - 12 Sarbjeet Yadav, son of Ram Dayal Yadav, resident of Village – Bilashpur, PS – Mairwa, District – Siwan
 - 13 Anil Kumar Choudhary, son of Sri Ramdeo Choudhary, resident of Village – Bilashpur, PS – Mairwa, District – Siwan
 - 14 Swami Nath Yadav, son of Sri Gorakh Yadav, resident of Village – Mancha, PS – Daraunda, District – Siwan
 - 15 Anil Kumar, son of Shri Mohan Prasad, resident of Mohalla – Dakhintola, PS – Siwan Town, District – Siwan
 - 16 Ashok Kumar Yadav, son of Sri Bikarma Choudhary, resident of Village – Bhada Khurd, PS – Siwan Mufassil, District – Siwan
 - 17 Sanjay Kumar Ram, son of Sri Shyam Kishore Manjhi, resident of Village – Bidurti Hata, PS – Siwan Mufassil, District – Siwan
 - 18 Akhilesh Kumar Singh, son of Sri Devendra Kumar Sinha, resident of Village & PO – Charma, PS – Masaurhi, District – Patna
 - 19 Rajeshwar Prasad, son of late Bagesh Prasad, resident of Village – Salempur, PS – Ishwapur, District – Saran (Chapra)
 - 20 Bihari Choudhary, son of Sri Deo Nandan Choudhary, resident of Village – Bhada Kala, PS – Siwan Mufassil, District – Siwan
 - 21 Shankar Choudhary @ Shankar Yadav, son of Sri Dharmdeo Choudhary, resident of Kutchari Station, PS – Siwan Mufassil, District – Siwan
 - 22 Chhotelal Yadav, son of Dharmdeo Choudhary, resident of Village – Chandour, PS – Siwan Mufassil, District - Siwan

.... Appellant/s

Versus

- 1 The State of Bihar

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- 2 The Commissioner and Secretary, Public Health Engineering Department, Government of Bihar, Patna
 - 3 The Engineer-in-Chief –cum- Special Secretary, Public Health Engineering Department, Government of Bihar, Patna
 - 4 The Chief Engineer, Mechanical, Public Health Engineering Department, Government of Bihar, Patna
 - 5 The Special Officer, Public Health Engineering Department, Government of Bihar, Patna
 - 6 The Superintending Engineer, Public Health Engineering, Mechanical Circle, Muzaffarpur
 - 7 The Executive Engineer, Public Health Engineering, Mechanical Division, Chapra (Saran)
 - 8 The Subdivisional Officer, Public Health Engineering Mechanical Subdivision, Siwan

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 17-04-2015

Learned counsel for the appellants states that he has no instructions in the matter. Learned counsel for the State is present.

We have perused the judgment under appeal. The learned Single Judge, while dismissing the writ petition, held thus :

“It is difficult to accept this contention. The State being guardian of all citizens is obliged to see that public appointments are made in accordance with the constitutional provisions. Since it is not the case of the petitioners that they were appointed on the basis of any selection pursuant to any advertisement, they cannot contend that their appointments were in accordance with law.”

We have no reason to take a different view of the

matter. The appointment per se being illegal, no right accrues to the appellants. The learned Single Judge was right in dismissing the writ petition.

This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

M.E.H./-

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