

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7583 of 2014

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Amit Kumar son of Ram Pukar Kunwar Resident of village - Pidhouli, P.S.
Teghra, Distt. Begusarai

.... Petitioner

Versus

1. The Staff Selection Commission through its Regional director (L.R.) 22
- 23 Lowther Road Allahabad U.P.
2. The Union of India, ministry of Home Affairs through its Secretary Lodhi
Road, New Delhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the prayer of the petitioner
in this writ application reading as follows:

“That this writ application is being filed for direction to
the respondents concern to select the petitioner in the post
of constable (G.D.) as the examination was conducted by
the respondent concern in the year of 2011 and the result
was published on 28.11.2011 accordingly the panel was
prepared in which the petitioner was also selected and the
name of the petitioner came in the said panel list but due
to un voidable reason the petitioner was not call for
appointment despite that still the said panel is running and
from the said panel the appointment of other selected
candidates were taken the year of 20133 onwards.”

was precisely almost same and identical in his earlier writ
application filed, C.W.J.C.No. 1114/2014 and that writ application

was disposed of on 17.1.2014 without giving any relief to the petitioner, as would be apparent from the order of this Court dated 17.1.2014 reading as follows:

“ Heard learned counsel for the petitioner and learned Assistant Solicitor General appearing on behalf of the respondent.

2. The petitioner seeks a direction to the respondent to issue appointment letter to the petitioner for the post of constable C.R.P.F. or any of the central police forces for which applications were invited through advertisement in the year 2011.

3. The case of the petitioner is that he had participated in a test conducted through the Staff Selection Commission (C.R.), Allahabad, in this regard and he was declared successful. His further case is that in spite of selection, the appointment letter was not issued to him. When he contacted the authorities of Staff Selection Commission, he was informed that since he did not fill up the space in his application where he was required to mention the choice of his post, the appointment letter could not be issued in his favour.

4. Learned counsel appearing on behalf of the respondents submits that there were so many posts vacant and the petitioner's case should have been considered against any such post by the Staff Selection Commission.

5. It appears that the process of selection was completed in the year 2011 itself whereas the present writ application has been filed in the year 2014. There is no cogent

explanation as to what the petitioner doing during all these years. Secondly, even if, the contention of the petitioner is accepted that he was finally selected for appointment to the post of Constable and was placed in the panel prepared in the year 2011, after a lapse of three years, no appointment can be made on the basis of such panel as the panel must have lost its force by now. Lastly, petitioner has not denied the fact that he did not fill up the required space in his application mentioning the name of the post against which he had applied. In such circumstance, the decision of the Commission cannot be faulted with.

6. This order however will not come in way of Staff Selection Commission taking any final decision of the petitioner's case, if it is found that his name could be recommended lawfully, against the posts advertised in the said advertisement."

this writ application must be held to be wholly misconceived and ill-advised because no fresh cause of action has arisen for the petitioner after the aforesaid order. Thus, whatever has already been held by an inter-party order cannot be now made to be reviewed by this Court in exercise of power under Article 226 of the Constitution of India.

That being so, this application is dismissed.

(Mihir Kumar Jha, J)

surendra/-

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