

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1695 of 2015

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Md. Shamshad Khan Son of Mohd. Manu Khan Resident of Village & Post
- Bhakurahar, P.S- Bairgania, District - Sitamarhi -843313.

.... Petitioner/s

Versus

1. The Union of India through its Secretary Ministry of Home Affairs, New Delhi.
2. Director General S.S.B Eastern Wing -5,R.K Puram , New Delhi - 110066. null null
3. Assistant Director (Recrutiment) Director General, S.S.B, Eastern Wingh -5 R.K Pur New Delhi - 110066.
4. Commandant 9th Bn SSB ITI Complex Now Industrial Ara, P.S & District - Sitamarhi, Bihar- 843302.
5. Commandant S.S.B madhubani District Unit Madhubani Stadium , Near Aerodramelhauara, P.S & District - Madhubani (Bihar).
6. I.G.F T R H, Q R, S S B, Patna , Rukanpura New Bailey Road, Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Adv

For the Respondent/s : Mr. Anjani Kr Sharan, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 26-02-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner now seeks direction for appointment on the basis of an advertisement dated 25.01.2006, and is not in a position to even state as to whether the process of appointment of the aforementioned advertisement is still continuing, this writ application must fail because appointment on the basis of 2006 advertisement cannot be allowed to be made forever.

As a matter of fact, learned counsel for the petitioner has also failed to explain as to whether anyone has been appointed on the basis of such advertisement in the recent past.

Thus, if the advertisement had already led to selection by way of preparation of panel and also some appointments were also made, that will not now give the petitioner any indefeasible right of being appointed, specially when law in this regard has been well settled by the Apex court in the case of **Shankarsan Dash Vs Union of India** reported in **1991(3) SCC 47**.

In any event, there is no clear averment at all in the writ application that anyone alike the petitioner was already appointed leaving him to be discriminated on the basis of merit and/or any other relevant criteria.

Thus for the reasons indicated above, this writ application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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