

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2767 of 2015

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Sanjay Kumar Nirala @ Sanjay Ram Son of Jeetlal Ram Resident of
Village- Khijirpura, P.S. - Kesariay, District- East Champaran.

.... Petitioner/s

Versus

1. The Bank of Baroda through the Chief Manager Circle Office 5th Floor, West Boring Canal Road, Patna- 800001.
2. The Chief Manager Bank of Baroda, Circle Office 5th Floor, West Boring Canal Road, Patna- 800001.
3. The Assistant Manager-cum- Public Information Officer Bank of Baroda Muzaffarpur Division, Shahi Complex Tilak Maidan Road Muzaffarpur- 842001.
4. The General Manager Bank of Baroda, Eastern Zonal Office Plot No . 38/2, Block GN Sector V, Salt Lake City, Kolkata - 700091.
5. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
6. The District Magistrate , Motihari, East Champaran.
7. The Circle Officer, Motihari, East Champaran.
8. The District Welfare Officer, Motihari, East Champaran.
9. Deepak Kumar Sarkar, Son of Sri Diwpad Sarkar, Resident of Village- Basmanpur, P.S.- Motihari Muffasil, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Adv.
Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Avnish Nandan Sinha, GP-11

For the Resp. 1 to 4 : Mr. Sanjeev Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-02-2015

Heard learned counsel for the parties.

It is really strange for this Court to note that the petitioner comes to challenge the appointment of respondent no.9 working as Senior Manager, in Bank of Baroda after his continuation for a period of 25 years on the ground that the respondent no.9 when he was did not belong to schedule caste community notified for the State of Bihar though his appointment was made on the basis of his allegedly belonging to the schedule

caste community.

This Court, however, finds that the petitioner is not an employee of the organization i.e. Bank of Baroda nor has been in any way affected on account of appointment and/or continuation of the respondent no.9 in service of Bank of Baroda. The only submission of Mr. Yugal Kishore, learned senior counsel for the petitioner, that the petitioner belongs to schedule caste community and, therefore, one of his member of schedule caste community got deprived in the year 1990 from being appointed on the post occupied by the respondent no.9, has to be only accepted for its being rejected. By now, it is well settled that in order to claim a benefit under service jurisprudence, the person concerned, who seeks to challenge the appointment of a person, must have a locus standi by establishing that he is personally aggrieved. This aspect of the matter has been well settled by the Apex Court in the case of **Dr. Umakant Sharan Vs. State of Bihar** reported in **AIR 1973 SC 964**.

This writ application, which has been definitely filed by way of only vengeance of the petitioner towards the respondent no.9, must be and is accordingly dismissed.

(Mihir Kumar Jha, J)

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