

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4193 of 2016

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1. Ram Nath Thakur Son of Shiv Shankar Thakur, Resident of Village + P.O. - Indrawa, P.S. - Parihar, District - Sitamarhi.
 2. Shatrughan Singh, Son of Ram Sanehi Singh, Resident of Village + P.O. - Manpaur, P.S. - Bela, Via - Parihar, District - Sitamarhi.
 3. Rakesh Mohan Son of Jugannath Prasad Verma, Resident of Mohalla Rishika Computer Center, Rayez Market, Parihar, Sitamarhi.
 4. Shobha Kumari, Wife of Anil Kumar, Resident of Village - Parihar Sonapatti Tola, P.O. + P.S. - Parihar, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, (Additional Mission) the Bihar Administrative Reform Mission Society (General Administration), Bihar, Patna.
2. The Additional Mission, Director, the Bihar Administrative Reform Mission Society (General Administrative), Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Additional Collector (Establishment), Sitamarhi.
5. The District Information Technology Manager, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Respondent/s : Mr. AVNISH NANDAN SINHA- GP11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-06-2016

Petitioners are assailing Annexure-1 which is an advertisement issued on 18/02/2016 seeking applications for a post known as Executive Assistant. The reason why they want quashing of this advertisement is that they had earlier applied against the advertisement in the year 2010. Selection had been made. Their names have been placed in the panel and appointments were being made by the respondents from the said panel till the other day i.e. before issuance of the advertisement.

Counsel for the petitioners submits that there is something amiss in the manner in which Annexure-1 has been issued because it coincides with the right of the petitioners when their turn for appointment came.

On the surface submission of the counsel for the petitioners is attractive but a deeper look into the matter throws up the position that these appointments were not required to be made after initial exercise done. The local authorities obviously out of oversight or omission continued to make appointments from the panel prepared in the year 2012 for almost 2 to 3 years. When this fact was brought to the notice of the superior authorities of the headquarters, a directive was issued upon one and all that fresh advertisement would be required inviting applications for preparation of fresh panel.

Law is well settled that validity of a panel generally subsists for a year or it exhausts the moment appointments are made. The Court will not get into investigation as to why such appointments continued to be made till the advertisement was issued. This was something which was unwarranted and should be looked into by the superior authorities.

So far as challenge to Annexure-1 is concerned, the Court is satisfied that this has been done in compliance with law and fresh advertisement is warranted for preparation of fresh panel. Since

preparation of a fresh panel would be required otherwise it will violate Articles 14 and 16 of the Constitution, the Court will not interfere with Annexure-1.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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CAV DATE	
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