

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1930 of 2012

- =====
1. Sunil Kumar Pandey S/O Dr. Ram Alakh Pandey R/O Village- Bishunpur Bakhari, P.O.- Basantpur Bakhari, in the District Of Muzaffarpur
 2. Kumar Jitendra Swaroop S/O Shri Sukhnandan Prasad R/O At + P.O.- Chitragupta Nagar, Barheta Road, Laheriasarai, District- Darbhanga

.... Appellants

Versus

1. The State Of Bihar Through Secretary Department Of Agriculture, Government Of Bihar, Patna
2. The Vice-Chancellor Rajendra Agricultural University, Bihar, Pusa, Samastipur
3. The Registrar, Rajendra Agricultural University, Bihar, Pusa, Samastipur
4. The Director, Administration Rajendra Agricultural University, Bihar, Pusa, Samastipur
5. The Incharge Officer, Recruitment Rajendra Agricultural University, Bihar, Pusa, Samastipur
6. The Dean, Agriculture Department Of Plant Breeding And Genetics, Rice, Rajendra Agricultural University, Bihar, Pusa, Samastipur
7. The Director, Sugarcane Research Institute, Pusa, Samastipur

.... Respondents

=====

Appearance :

For the Appellants : Mr. Sanjay Kumar Giri
For the State : Mr. S.Raza Ahmad, AAG IX
Mr. Vishwambhar Prasad, AC to AAG IX
For the University : Dr. A K Upadhyay, Mr. Chandra Mohan Singh

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE NAVANITI
PRASAD SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 03-03-2016 The present Letters Patent Appeal is directed against an order dated 10.10.2012 passed in CWJC No. 18751 of 2012, whereby the claim of the appellants for appointment to the post of Assistant in the Rajendra Agricultural University remained unsuccessful.

The appellants were appointed as casual employees



as Field Overseer with effect from 22.10.1999. In SLP (Civil) No. 18594 of 1994 (Ram Kumar Sharma vs. Rajendra Agricultural University), the policy of regularization was finalized. As per the said policy, 35% quota was to be reserved for those who had completed 15 years of service and had qualifications for regular appointment, and were physically fit, whereas 65% vacancies were to be filled up through open recruitment by selection on merit. In pursuance of such direction, advertisement was published for 18 posts, though as per the appellants, 31 posts were available for 65% category in view of the fact so mentioned before the Supreme Court that there are 48 vacancies. The claim of the appellants is that had the 31 vacancies for the post of Assistant have been advertised, they would have been selected against the post of Assistant.

The fact remains that the appellants applied for appointment against 18 vacancies advertised. Their claim is against 18 vacancies advertised and not against the 31 posts available in the 65% category. In respect of non-advertised vacancies the appellants cannot be considered for appointment.

We do not find any error in the impugned order dated 10.10.2012, passed by the learned Single Judge in CWJC No. 18751 of 2012.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

mrl.

U			
---	--	--	--