

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.186 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 4076 of 2013**

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Sanjeev Kumar Jha S/O Braj Kishore Jha, Resident of Village - Kanhauli, P.S.
Khajauli, District - Madhubani

.... Appellant/s

Versus

1. The State of Bihar, Through The Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department Of Home, Government Of Bihar, Patna
3. The Director General Of Police, Bihar, Patna.
4. The Inspector General (Zonal), Patna Zone, Patna
5. The Deputy Inspector General Of Police, Central Range, Patna
6. The Superintendent Of Police - Cum - Chairman, Selection Committee, Gaya
7. The Constable Selection Committee Through Its Chairman, Gaya

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. ABHINAY RAJ

For the Respondent/s : Mr. ANJANI KUMAR, AAG 6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-04-2016

The order dated 29.04.2013 passed by the learned Single Bench in CWJC No. 4076 of 2013 is the subject matter of challenge in the present Letters Patent Appeal. The learned Single Bench ordered that pursuant to Advertisement Nos. 1, 2 and 3 of 2014, 507 vacancies of the post of Constables are required to be filled up. Such direction was given in terms of earlier direction issued by a division Bench in LPA No. 831 of 2009.

As per the appellant, 5,742 posts were vacant in the year

2004, but only 507 posts have been advertised, wherein there is no post advertised in the district of Nalanda. Therefore, the grievance of the petitioner is that all the vacant posts should be advertised and filled up in accordance with law.

We find that the entire grievance of the writ applicant is misconceived. It is for the State to decide that how many posts are to be advertised and be filled up. This Court cannot issue any direction to advertise posts and to fill up the posts so advertised; it is for the employer to create posts, advertise the posts and to fill up the same. There cannot be any interference of the Court in respect of filling up the posts whether existent or non-existent.

In view of the said fact, we find that the order of the learned Single Bench does not warrant any interference as it restricts right to fill up posts only those posts which are advertised.

There is no merit in the appeal. The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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