

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.657 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 25443 of 2013**

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Vijay Kumar, son of Hira Prasad, resident of Mishra Tola Mahajan Toli, Jail Road,
Ara, District - Bhojpur

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Managing Director, Madhya Bihar Gramin Bank, Head Office, Meena Plaza, South of Musium, Patna - 1
3. The Senior Manager Human Resources Development Department, M.B.G.B. Meena Plaza, Patna - 1

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Pathak, Advocate.
For the State : Mr. Rakesh Prabhat, AC to SC-21
For the Respondent/s : Mr. Suresh Prasad Singh No. 1, Advocate.

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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: 21-10-2016

Heard learned counsel for the parties.

2. The present Letters Patent Appeal is directed against an order passed by the learned Single Bench on 16th January, 2014 whereby the prayer for quashing of the process of regular appointment of Office Attendants/Messengers, was not granted.

3. The appellant was engaged as a Sweeper under Part Time Scheme in 2001 and continued to work up to end of 2011, when Part Time Scheme came to an end. It is thereafter, the Bank engaged Sweeper/Offence Attendant on the basis of recommendation made by

the Employment Exchange without any advertisement, which action was challenged by the appellant before the learned Single Bench.

4. The learned Single Bench dismissed the writ application finding that the appointment of Sweeper/Office Attendant, on the basis of the names sent by the Employment Exchange, is not unfair or arbitrary.

5. The engagement by the employers on the basis of recommendation of the Employment Exchange is not a sufficient mode of filling up of the post as the public post are required to be filled up after giving wide publicity and giving opportunity to all eligible candidates. The registration with the Employment Exchange under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 does not dispense with the requirement of a public notice.

6. In view of the said fact, learned counsel for the Bank fairly concedes that the Bank shall issue a public advertisement to be published inviting applications from all eligible candidates as per the criteria which Bank may fix to fill up of the posts of Sweeper/Office Attendant or for the Peon in which the appellant can also participate.

7. In view of the said fact, we do not find that the appellant can have any subsisting grievance. Consequently, the present Letters Patent Appeal is disposed of with a direction to the Bank to fill up all

posts of Sweeper/Office Attendant/Peon etc. only by public advertisement in addition to the notification of vacancies through the Employment Exchange.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	AFR
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