

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2236 of 2016
arising out of
Civil Writ Jurisdiction Case No. 6419 of 2016

1. Nishant Ketu, S/o Hari Narayan Kamat, R/o - Balwa, Punarwas, Ward No. 1, District + P.O. + P.S. Supaul.
2. Raja Kumar Mishra, S/o Lakshmi Narayan Mishra, R/o - Station Chowk, Ward No. 1, P.O. + P.S. + District - Supaul.
3. Aashish Ranjan, S/o Ashok Kumar, R/o - Station Chowk, Ward No. 1, P.O. + P.S. + District - Supaul.
4. Sandeep Kumar Sah, S/o Chalitar Prasad Sah, R/o - At + Post - Laud, Vishanpur, P.S. + District - Supaul.
5. Sanjeev Kumar, S/o Prabhu Prasad Mandal, R/o - At + Post - Laud, Vishanpur, P.S. + District - Supaul.
6. Amit Kumar, S/o Sri Kishore Prasad Gupta, R/o - Mahavir Chowk, P.O. + P.S. + District - Supaul.
7. Abhishek Kumar, S/o Sri Laddu Jha, P.O. + P.S. + District - Supaul.
8. Bishundeo Kumar, S/o Sri Bhola Mandal, R/o - At + P.O. Kataiya Male, P.S. + District - Supaul.
9. Md. Imran Prevej, S/o Md. Nizamuddin, R/o - At - Karahiya, P.O. Abhuaar, P.S. Kishanpur, District - Supaul.
10. Jitendra Kumar, S/o Sri Satyadev Mandal, R/o - At - Jhaja, Post - Anduli, P.S. Kishanpur, District - Supaul.
11. Md. Akbar, S/o Md. Ibrahim, R/o - At - Sihe, P.O. Bakur, P.S. + District - Supaul.
12. Nitin Kumar, S/o Late Deo Narayan Kamat, R/o - Ward No. 1, P.O. + P.S. + District - Supaul.
13. Krishna Kumar, S/o Sri Ram Chandra Mandal, R/o - At + P.O. Kataiya Mahe Pipra, P.S. Pipra, District - Supaul.
14. Jitendra Kumar, S/o Sri Shambhu Yadav, R/o - At Koshli Patti, P.O. Gamhariya, P.S. Pipra, District - Supaul.
15. Ashok Kumar Sah, S/o Sri Ram Prasad Sah, R/o - At + Post Adoli, P.S. Kishanpur, District - Supaul.
16. Subhash Kumar Suman, S/o Sri Bindeshwari Yadav, R/o - At - Keotapatti, P.O. Kishanganj, District - Supaul.



17. Chandan Kumar, S/o Sri Surendra Kumar, R/o - At + Post - Kataiya Mala, P.S. Pipra, District - Supaul.
18. Md. Washimuddin Ansari, S/o Md. Wajuddin Ansari, R/o - At - Karahiya, P.O. Abhuaar, P.S. Kishanpur, District - Supaul.
19. Rajesh Kumar Singh, S/o Sri Baidhya Nath Singh, R/o - At + Post - Motipur, P.S. Karjain, District - Supaul.
20. Madhav Kumar Mishra, S/o Sri Murlidhar Mishra, R/o - At + P.O. Karanpur, P.S. + District - Supaul.
21. Pratima Kumari, S/o Sri Ajit Kumar Gupta, R/o - Jhakrahi, Ward No. 26, P.O. + P.S. + District - Supaul.
22. Lakshman Kumar Gupta, S/o Sri Devendra Prasad Gupta, R/o - Jhakarahi, P.O. + P.S. + District - Supaul.
23. Pankaj Kumar Yadav, S/o Sri Mahanand Yadav, R/o - At + P.O.- Katara Chatapur, P.S.- Chatapur, District- Supaul.
24. Lalu Kumar, S/o Sri Pramod Kumar Mehta, R/o - P.O. + P.S. - Pipra, District - Supaul.
25. Rohit Kumar, S/o Sri Maheshwar Sah, R/o - Ward No. 4, P.O. + P.S. + District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Chairman, Bihar Prashasnik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
5. The Mission Director, Bihar Prashasnik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
6. The Additional Mission Society, Bihar Prashasnik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna.
7. The District Magistrate - Cum - Chairman, Selection Committee, Supaul.
8. Sagendra Kumar, S/o Sri Rajendra Mandal, R/o - At - Beriya, P.O. Rajeshwari, P.S. Chatapur, Supaul.
9. Om Prakash Choudhary, S/o Sri Bal Krishna Choudhary, R/o - At - Belhi, P.O. Tharbitta, P.S. Kishanpur, District- Supaul.



10. Sanjeet Kumar, S/o Sri Ram Chandra Pd. Choudhary, R/o - Ward No. 4, P.O. + P.S. + District- Supaul.
11. Jay Prakash Kumar, S/o Sri Kishundeo Kamat, R/o - Kevat Tola, Ward No.24, P.O. + P.S. + District - Supaul.
12. Md. Neim, S/o Md. Karimuddin, R/o - At + P.O. Ekma, P.S. + District - Supaul.
13. Chandra Shekhar Thakur, S/o Late Rameshwar Thakur, R/o - At + P.O. Pariyani, P.S. Chatapur, District - Supaul.
14. Chandan Kumar Sah, S/o Sri Raghu Nandan Sah, R/o - At Beriya, P.O. Badhari, P.S. + District - Supaul.
15. Brajesh Kumar, S/o Sri Bhubneshwari Prasad Yadav, R/o - At Bela, P.O. Lokaha, P.S. + District - Supaul.
16. Pankaj Kumar, S/o Sukhdeo Pd., R/o - Ward No. 2, P.O. + P.S. + District - Supaul.
17. Nitesh Kumar, S/o Sri Gopal Kamat, R/o - Ward No. 13, P.O. + P.S. + District - Supaul.
18. Anil Kumar Pasi, S/o Sri Rajendra Pasi, R/o - Koshi Colony, Ward No. 20, P.O. Koshi Colony, P.S. + District - Supaul.
19. Bhabesh Kumar, S/o Sri Ram Lakhan Yadav, R/o - At + P.O. Mojha Kishanpur, P.S. Kishanpur, District - Supaul.
20. Akhil Kumar Ashok, S/o Sri Shyam Narayan Mehta, R/o - At + P.O. + P.S. Chatapur, District - Supaul.
21. Ashish Kumar Jha, S/o Sri Ashok Jha, R/o - At + Ward No. 24, P.O. + P.S. + District - Supaul.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the State : Mr. P. K. Verma, AAG-3
Ms. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-12-2016

The challenge in the present writ application is of an



order passed by the learned Single Bench on 17th of November, 2016 whereby the writ application was dismissed.

The appellants claim directions to engage the appellants as their name figure in the list of the panel prepared by the District Administration for the post of Executive Assistant on contract basis.

The claim of the appellants is that they applied for appointment as Executive Assistant, in pursuance to an advertisement published on 06.06.2013, Annexure-5. 2087 applications were received in Supaul Districts including that of the appellants in response to such an advertisement. The result of the selection was published on 19.12.2013 declaring 255 as successful candidates including the appellants. However, out of such selected candidates, 100 have been appointed as Executive Assistant in different departments. Later, 11 Executive Assistants have been appointed on 28th of December, 2013 by the Civil Surgeon. Subsequently, the District Magistrate appointed another 12 persons in different offices of Supaul. The grievance is that the select list is being used as reservoir for making appointment from time to time, therefore, the appellants should have been appointed as the vacancies still exists in the department.

In the counter affidavit filed by the District



Magistrate, respondent no.7, there is reference to subsequent selection process for the appointment of the Executive Assistant.

It is admitted by learned counsel for the appellants that none who ranks lower in merit in the select list of 255 candidates has been appointed. Once the subsequent selection process has been started, therefore, the selection list prepared in the year 2013 cannot be used for indefinite period for making appointment from it from time to time. Mere fact that name of the appellants appeared in the select list does not confer any right of appointment. It has been recently held by the Hon'ble Supreme Court in the judgment reported as AIR 2016 SC 2281 Kulwinder Pal Singh Vs. State of Punjab.

For the reasons recorded therein and in view of the above, we do not find any merit in the present Letters Patent Appeal.

Accordingly, it is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10/01/2017
Transmission Date	

