

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6311 of 2015

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1. Rajiv Kumar son of Ramesh Chandra Singh, Resident of Village - Ghosi, P.S. - Ghosi, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Officer on Special Duty, Rural Development Department, Government of Bihar, Patna.
5. The District Magistrate, Jehanabad.
6. The Deputy Development Commissioner, Jehanabad.
7. The Director, Rural Development Department, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Respondent/s : Mr. BINOD JI VERMA- GP17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-02-2016

Heard counsel for the petitioner and counsel for the State.

Petitioner who was short-listed as one of the candidates for appointment on the post of Gramin Awas Sahayak, which is a contractual engagement, did not show up on the date of counseling which was scheduled for 20th of January, 2014. The process of selection was completed and people were appointed.

Petitioner now tries to build up a story on the basis of an application, filed by him on 28th January as because of his certain health issue he could not participate in the counseling and, therefore, he should be permitted now in view of pending vacancies. A letter addressed to the District Magistrate cum Deputy Development Commissioner, Jehanabad, issued under the signature of the Secretary, Department of Rural Development, has already been annexed as

Annexure-1. Petitioner wants enforcement of the said communication.

The law is well settled that once appointments are completed then any vacancy will be carried over in the next round of appointment. Such appointment especially keeping in mind that it was not a substantive appointment but a contractual appointment for a period of one year, right of the petitioner ceased on the date the exercise for such selection and appointment was completed. Any amount of letter writing at whatever level will have no impact on the basic principle.

The stand of the State is on similar line. They also take a plea that there was no information by the petitioner to change the date of counseling. As an after-thought on 28th January, 2014 a communication was sent seeking another date for counseling which was long past over.

In view of the above and looking at the post which is contractual in nature and not a substantive appointment, the Court is not inclined to issue any direction or mandamus in favour of the petitioner as he has no legal right.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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