

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.169 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 15339 of 2012**

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Seema Kumari, Wife of Sandip Kumar, Resident of Village - Sri Krishna Nagar,
Agarwa P.S. Motihari, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar
2. Commissioner, Tirhut Division, Muzaffarpur
3. Director, I.C.D.S. Bihar, Indira Bhawan, Patna
4. Deputy Director, Welfare , Tirhut Division, Muzaffarpur
5. Collector, East Champaran, Motihari
6. District Programme Officer, East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Prasad Singh, Advocate.

For the Respondent/s :

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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: 28-04-2016

Heard learned counsel for the parties.

2. The order dated 18.02.2013 passed by the learned single Bench in C.W.J.C. No. 15339 of 2012 is challenged in the present Letters Patent Appeal. The learned single Bench has found no any illegality in the order passed by the Divisional Commissioner rejecting the claim of the appellant against the post of Female Supervisor.

3. Initially, the appellant filed C.W.JC. No. 6201 of 2012 wherein the appellant was aggrieved against the candidates who



have been considered for counselling even though they had not removed the defects in their application forms within the time prescribed. Such writ application was disposed of with the observation that the Divisional Commissioner shall enquire into the same and pass a reasoned and speaking order. It is thereafter, the Divisional Commissioner has passed an order on 27.07.2012 considering the grievance of the appellant. The appellant was aggrieved against the grant of bonus marks as well. Considering the various objections raised by the appellant including the fact that some of the candidates have not adopted both the modes of submitting the application form i.e., on-line and through post the Divisional Commissioner did not find any merit in the representation of the appellant.

4. It was found by the Divisional Commissioner that publication in the newspaper was conducted on 31.07.2010, therefore, the last date for submitting the applications was 21.08.2010. Therefore, even after the on-line registration was closed on 07.08.2010, but the applications through post could be received up to 21.08.2010. Therefore, it cannot be said that the candidates have not applied adopting both modes. Still further, the Divisional Commissioner has found that the roster in respect of reservation of post has been properly applied including vertical reservation to the

disabled candidates.

5. We find that the appellant has not impleaded any of the persons as party, who has been wrongly or illegally appointed. In the absence of proper parties, who are likely to be affected by the order passed by the Court, the contention of the appellant that certain candidates were not eligible for one or the other reason, cannot be examined. Still further, reasoning given by the Divisional Commissioner does not show any illegality in the process of appointment. Even the learned single Bench does not find any infirmity in the order passed by the Divisional Commissioner.

6. We do not find any procedural illegality in the order passed by the Divisional Commissioner or by the learned single Bench which may warrant interference in the present intra court appeal.

7. The Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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