

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9333 of 2016

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Nisha Kumari D/o Sri Kamal Narayan Mallik resident of Mohalla- Babu Saheb Colony (Chitrugupta Puri), P.O+ P.S.- Laheria Sarai, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Mission Director, Bihar Administration Mission Society (General Administration Department), Patna.
4. The Divisional Commissioner, Darbhanga Division, Laheria Sarai
5. The District Magistrate, Darbhanga.
6. The Deputy Collector (Establishment), Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madheshwar Singh, Adv.

For the Respondent/s : Mr. S. Raza Ahamad, AAGV

Mr. Vishwambhar Prasad, AC to AAGV

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL ORDER

4 21-10-2016 Heard counsel for the petitioner and the counsel for the State.

Issue relates to appointment of the Executive Assistant on contract in the district of Darbhanga. The petitioner's name figured in the waitlisted candidate at serial 59 in the exercise done in the year 2013. The grievance of the petitioner is that even without exhausting the said panel in terms of Annexure 1 the respondent authorities have gone ahead, advertised the post and created a new panel. This violates guidelines issued in Annexure 1, which is dated 20th May, 2011. It is also urged that some persons, whose

name figured in 2013 panel, have also been appointed in the year 2016 at the cost of the petitioner.

Stand of the State in their counter affidavit is that the validity of the panel was later on confined to one year. Directive was issued from the headquarters to prepare a fresh panel. Matter was initiated in the year 2015 when the appointment which the petitioner is talking about has been made from the panel of 2015 and not from 2013. Merely because certain names which were there in 2013 list also found place in 2015 list it does not mean that these appointments relate to 2013 panel.

The appointment in any way is on contract. The petitioner was also way down in the wait-list. The authorities have taken a policy decision subsequently after realizing that the panel cannot subsist life long and life of a panel should be for a year and that has already been acted upon. No right is created in favour of the petitioner.

Writ application is dismissed in view of above.

(Ajay Kumar Tripathi, J)

Surendra/-

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