

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7554 of 2014

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1. Birendra Kumar Pandey Son of Late Hiralal Pandey Resident of Village - Mundipur, P.O. Hulesara, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Agriculture, Bihar, Patna.
3. The Joint Director, Agriculture, Saran Division, Chapra.
4. The District Magistrate, Siwan.
5. The District Agriculture Officer, Siwan.
6. Rajiv Kumar Singh Son of Kabindra Singh Resident of Village - Bajarahiya, P.O. Gohpur Devariya, P.S. Mahrajganj, District Siwan.
7. Uday Kumar Son of Madan Kishore Pandey Resident of Village - Makhdumpur Sarai Mahatma Gandhi Nagar, P.O. AND P.S. Siwan, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. Arvind Kumar, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-04-2016

Petitioner was claimant to the post of Krishi Salahkar in terms of the advertisement no.2 of 2010-11. According to him, he is Intermediate in Agriculture Science and belongs to the general category having aggregate marks of 67.33%. When the panel was drawn, petitioner's name did figure at serial no.78. Later a waiting list was also published where name of the petitioner was shown at serial no.3 but persons having lesser marks were placed at serial no.1 and 2 and they have been appointed. When, the petitioner was not appointed, he raised his grievance before the authorities. Thereafter

he has approached the High Court for a direction.

So far as the private respondents are concerned, they are appointees under physically handicapped category. So far as the petitioner is concerned, stand is taken that he did not participate in the counselling, the fact not being denied by the petitioner. However, he submits that since he did not receive the communication that was the reason why he could not participate, which is the reason for his non-appointment.

This issue, therefore, must rest with regard to a direction for appointment of the petitioner in the above circumstances. He, however, submits that there are almost 25 seats, which are still vacant. Petitioner has filed a representation. He should be given an opportunity now to occupy one of the seats, which are vacant, in view of his marks and merit position.

Counsel for the State takes a stand that the vacancy will be advertised afresh and those vacancies cannot be filled up by claimants like petitioner or similar persons because once the selection and appointment is completed, the claim against such vacancy cannot be considered. Whatever be the reason those vacancies will have to be carried forward and advertised afresh giving opportunity of participation and consideration to all the eligible candidates. Stand of the State counsel seems to be correct.

No direction for consideration against the vacancy subsisting, therefore, can be given in favour of the petitioner.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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