

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7765 of 2014

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Abhay Narayan Sinha, S/o Madhusudan Prasad, resident of Mohalla - Bageshwari
Gumti, Post Office - R.S., P.S. Delha, District – Gaya.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Secretary Board of Revenue, Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Sinha, Advocate
For the State : Mr. Binod Jee Verma, G.P.17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-05-2016

Petitioner is one of the claimants and has a legitimate expectation to be appointed on a Class IV post under Aurangabad Collectorate. He responded to the advertisement issued in the year 2009. He was shown at serial no.140 but subsequently his name kept going down and was shown at serial 1029 and then 1050. Grievance of the petitioner is that people who had not even responded to the Advertisement No.1 of 2009 have been brought over and above the petitioner's head and this is how his status keeps going down amongst the candidates whose claim for such appointment is required to be considered.

2. In the counter affidavit filed on behalf of the

respondents, they talk in terms of directions and orders passed by the High Court. Against the advertisement large number of applications numbering more than 10,871 was received. A list of panel was drawn up. Objections were invited and based on the objections, a list came to be redrawn.

3. The modality for preparation of the list have been indicated in paragraph-13 and this is the reason why the position of the petitioner keeps slipping dependant upon the objections received and filed on behalf of people whose period of engagement and the number of mandays was found to be more than the present petitioner.

4. These are not fresh appointments under the Collectorate. The advertisements have been called with regard to available vacancies which are required to be filled up from the list of such candidates who are working on daily wages for a long period of time. Naturally the claims of persons engaged earlier than the petitioner or the number of working days being more than the petitioner will have to be given weightage over and above the position which the petitioner was initially shown in the very first place when a tentative list of panel was drawn up.

5. Looking at the sheer number of objections, the initial list of candidates or their serial cannot be treated to be final. They are tentative in nature and, therefore, the position of the petitioner now

stands after all objections had been entertained and examined.

6. There is nothing arbitrary or absurd about the position of the petitioner's slipping down the line in the above circumstances. Appointments have been made depending upon the opportunity of vacancies which are available under the respondents from time to time since the petitioner is way down the list that is the reason why he is trying to raise a hue and cry that nobody else should be permitted to be brought within the zone of consideration for such regularization or appointment on a regular vacant post which are sought to be filled up from such category of people.

7. Writ application has not merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

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