

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 222 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 5522 of 2014

Along with

Interlocutory Application No. 1017 of 2015

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1. Pinkee Kumari D/o Hari Prasad Singh, W/o and C/o Harendra Prasad Singh, (Advocate), R/o Kashipur Ward No. 12, H. No. 18, P.O. + P.S. + District – Samastipur.
 2. Saroj Kumar S/o Ram Saran Singh At + P.O. - Belari, P.S. - Ujiarpur, District- Samastipur.
 3. Bibhas Kumar S/o Maheshwar Prasad Singh at Fatehpur, P.S. - Khanpur, District – Samastipur.
 4. Bambam Kumar S/o Ram Sewak Singh R/o Village- Patiala, P.S. - Bibhutipur, District – Samastipur.
 5. Rama Shankar Singh S/o Chandra Shekhar Singh Village - Koilkund, P.S. - Kalyanpur, District – Samastipur.
 6. Rajesh Kumar Rakesh, Son of Mohan Jee Prasad Singh, at Fatehpur, P.S. - Khanpur, District – Samastipur.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Joint Secretary cum Director, (Administration) Department of Home, Government of Bihar, Patna.
5. The Inspector General, Jail and Reforms Service, Government of Bihar, Patna.
6. The Secretary, Bihar Staff Selection Commission, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Uma Shankar, G.P. 4.
Mr. Karandeep Kumar, A.C. to G.P.4.

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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: 21-04-2016

Re.: Interlocutory Application No. 1017 of 2015

The application is for condonation of delay of

24 days in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause has been shown for condonation of delay of 24 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands disposed off accordingly.

Re.: Letters Patent Appeal No. 222 of 2015

The appellants are working as Home Guards and applied for appointment as Jail Wardens in pursuance of the advertisement no. 10 of 2013. The grievance of the appellants is that the candidates other than the Ex-army men and the Home Guards have been appointed while ignoring the meritorious candidates belonging to Home Guards or Ex-army men.

A perusal of the writ application does not show that such of the grievance was made by the appellants. In fact, the order impugned in the present appeal shows that the stand of the Bihar Staff Selection Commission is that the names of only Ex-army men and the Home Guards, who are eligible for the posts, would be sent to the requisitioning department.

Learned counsel for the appellants submits that the selection process has now been concluded and the names of the appellants does not find mentioned in the final list whereas, the names of candidates, who were not Ex-army men or Home Guards, have been mentioned in the selection list, but

such is not the case set up by the appellants in the writ application or in the present Letters Patent Appeal. In fact, the appellants invoked the jurisdiction of the Court even before declaration of the result.

In view thereof, we do not find any ground to interfere with the order passed by the learned Single Bench. However, it will be open to the appellants to seek their remedy in accordance with law before the appropriate forum.

With the aforesaid observation, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	
Transmission Date	