

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1280 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 22336 of 2011
Along with
Interlocutory Application No.6997 of 2014

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Dilip Kumar, son of Late Prasadi Shaw, resident of at- Nawada- Gaya Road,
Bhadauni, P.O.+P.S.+District- Nawada, Pin Code- 805110 (Bihar).

.... Petitioner- Appellant

Versus

1. The State of Bihar.
2. The Commissioner of MANREGA Cum Chief Executive Officer, Bihar Rural Development Society, Govt. of Bihar, Old Secretariat, Patna, Pin- 800001 (Bihar).

.... Respondent/s

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Appearance :

For the Appellant : Mr. Atif Inam, Advocate
For the Respondents : Mr. Roy Shivajee Nath, A.A.G.-3
Mr. Amarendra Kumar, Advocate

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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: 09-05-2016

Re.: Interlocutory Application No.6997 of 2014

The application is for condonation of delay of 45 days in filing of the appeal.

For the reasons mentioned in the application and explained by the learned counsel for the appellant, we find that sufficient cause is made out for condonation of delay. Consequently, the delay of 45 days in filing of the appeal is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1280 of 2014

The appellant was one of the petitioners who invoked the writ jurisdiction of this Court with a grievance that written test was taken in the year 2007, but he has not been appointed. The appellant has sought direction to the respondents to appoint the appellant.

The appellant was a candidate for the post of Senior Accounts Officer. The appellant was sought appointment on contractual basis against the said post advertised. A written test was held in the year 2007, but the appellant could not qualify the written test. Subsequently, in the year 2010, the State Rural Development Society sought fresh consent for appointment on contractual basis. The grievance of the appellant is that even after giving consent, the appellant has not been appointed.

We do not find that mere participation in the selection process gives any enforceable right to the appellant to seek a mandamus for a direction to appoint him. The selection does not confer any enforceable right for it is well settled. In State of Haryana Versus Subash Chander Marwaha & Ors, AIR 1973 SC 2216, the Hon'ble Supreme Court held that mere selection does not give any right to the selected candidate to seek appointment.

In view thereof, we do not find any error in the order

passed by the learned Single Bench which may warrant interference in the present intra court appeal. The Letters Patent Appeal, thus, stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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