

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19898 of 2011

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Uday Kumar Jha Son of Late Gulab Jha, resident of Mohalla - Punaichak,
Police Station - Shastri Nagar, Patna - 800023

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar
2. The Principal Secretary, the Department of Social Welfare, Old Secretariat, Patna - 15
3. The Managing Director, Women Development Corporation, Bihar, 2nd Floor, Indira Bhawan, R.C. Singh Path, Patna-1
4. The Administrative Officer, Women Development Corporation, Bihar 2nd Floor, Indira Bhawan, R.C. Singh Patna, Patna-1
5. Vinay Kumar Sinha S/O name not known, Retired Senior Auditor, Finance Department, Government of Bihar, Old Secretariat, Patna at present residing at Kankarbagh Colony, Police Station - Kankarbagh, Patna - 800020

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh

For the Respondent/s : Mr. AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 06-05-2016 Heard Sri Parashuram Singh, learned counsel for
the petitioner and learned AC to AAG-8.

The petitioner after attaining the age of 62 years has approached this Court by filing the present writ petition on 15.11.2011, invoking its writ jurisdiction, with a prayer to direct the Respondents to appoint him on contract basis as Manager Accounts.

A plea has been taken that the petitioner was having requisite qualification, experience and outstanding performance.



Vide Annexure-1, an advertisement was published from the Office of Respondent/ Women Development Corporation, Department of Social Welfare, Bihar inviting applications for three posts i.e. 1. Manager 2. Desk Officer and 3. Personal Assistant to M.D. on contract basis. The advertisement, as indicated in the writ petition, was made on 10.06.2011 inviting applications regarding the post of Manager (Accounts). The eligibility criteria was that one may be retired Accountants/ Accounts Officers from the State Government/ Government Undertaking below the age of 62 years.

Learned counsel for the petitioner submits that in place of the petitioner, Respondent no.5 was selected, whereas the petitioner was having much more experience and better qualification than the Respondent no.5. Accordingly, a prayer has been made for directing the Respondents to appoint him pursuant to Advertisement i.e. Annexure-1 to the writ petition.

In this case , earlier a counter affidavit was filed on behalf of Respondent nos. 3 and 4 and in the counter affidavit, a specific stand has been taken that contractual appointment was only for one year including the probation period of three months. Pursuant to Advertisement, altogether eight candidates were shortlisted for the post of Manager (Accounts) for interview. Thereafter, Respondent no.5 having obtained higher marks i.e. 42

marks , was selected for the said post. In paragraph-5 of the counter affidavit, a categorical stand has been taken that Respondent no.5 had worked as Senior Auditor Grade-I in the Department of Finance, Government of Bihar and he was having vast experience of Accounts including financial management aspects. No reply to the counter affidavit has been filed, whereas learned AC to AAG-8 submits that at the time of advertisement, the petitioner was only one month short of 62 years. Meaning thereby that after expiry of one month time, he was not even eligible for the said post.

Without going into merit of the case, the Court is of the opinion that since the appointment was itself contractual only for one year and on the date of publication of Advertisement i.e. 10.06.2011, the petitioner was approaching 62 years, the writ petition has now become infructuous.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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