

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.904 of 2017

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Sunil Kumar, son of Sri Sri Bindeshwari Paswan, Resident of Village - Madarganj,
P.S. - Simraha (Forbesganj), District - Araria.

.... Petitioner/s

Versus

1. The High Court of Judicature at Patna through its Registrar.
2. The Registrar, Patna High Court.
3. The District and Sessions Judge, Purnea.
4. The Judge-in-Charge, Purnea Civil Court, Purnea.
5. Mr. Sunil Kumar, son of not known to the petitioner presently selected for the post of class - IV in the district of Purnea with Roll No. - 1589.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.
Mr. Nawal Kishor Singh, Adv.

For the Respondent/s : Mr. Satyabir Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-08-2017

Heard Mr. Rajesh Kumar Singh, learned counsel appearing for the petitioner and Mr. Satyabir Bharti, learned counsel appearing for the Patna High Court as well as the District Judgeship, Purnea.

The petitioner prays for a direction to the respondent authorities of the District Judgeship, Purnea to consider and clarify the candidature of the petitioner and respondent no.5 as according to the petitioner, there appears to be some confusion in so far as their respective merit position is concerned.

Mr. Bharti, learned counsel appearing for the Patna High Court who also appears for the District Judgeship, Purnea in reference to the statements made in paragraphs 10 and 11 of the counter affidavit filed in the present proceeding submits that there is absolutely no confusion and although there were two candidates named Sunil Kumar



but the one selected was having Roll no.1589 and had secured 4.83 marks to be listed at Serial no.58 while the petitioner having Roll no.1504 obtained 1.5 marks and was listed at serial no.3126. He submits that the petitioner was candidate in the Scheduled Caste category and since he had secured lesser marks than the last candidate selected in the category of Scheduled Caste, obviously he was not selected.

In so far as the issue of vacancies is concerned, Mr. Bharti has referred to paragraph 10 of the counter affidavit to submit that there were 7 candidates selected in the category of Scheduled Caste and one candidate who was selected under handicapped category, also came under the Scheduled Caste category thus filling the 8 vacancies under this category. He thus submits that the petitioner in the circumstances could not be appointed.

No rejoinder has been filed to contest the statement made in the counter affidavit. In the circumstances so explained at paragraphs 10 and 11 of the counter affidavit no cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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