

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2136 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9333 of 2016**

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1. Nisha Kumari D/o Sri Kamal Narayan Mallik resident of Mohalla- Babu Saheb Colony (Chitragupta Puri), P.O.+P.S.- Laheria Sarai, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Mission Director, Bihar Administrative Mission Society (General Administration Department), Patna.
4. The Divisional Commissioner, Darbhanga Division, Laheria Sarai
5. The District Magistrate, Darbhanga.
6. The Deputy Collector (Establishment), Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madheshwar Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-02-2017

Heard learned counsel for the parties.

2. Challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 21st of October, 2016 in C.W.J.C. No. 9333 of 2016 whereby, the claim of the appellant for appointment on the post of Executive Assistant on contract in the district of Darbhanga remained unsuccessful.

3. It was in the year 2013, an exercise was undertaken for appointment to the post of Executive Assistant. Name of the



appellant figured at serial no. 59. However, later on in the year 2015 another selection process was undertaken and in the process of such selection, appointments have been made.

4. The grievance of the appellant is that her appointment should have been made on the basis of 2013 panel relying upon the guidelines issued by the office of the Bihar Administrative Reform Mission Society, Bihar, Patna dated 20th May, 2011.

5. The learned Single Bench dismissed the writ application holding that the authorities have taken a policy decision that the panel cannot subsist life long and that life of a panel should be for a year, therefore, the appellant is not entitled to the appointment on the basis of the panel prepared in the year 2013.

6. The guideline on which learned counsel for the appellant relied upon is to the effect that the district level panel shall be prepared and the appointment shall be made from the said panel till the panel comes to an end.

7. We do not find that such stipulation in the circular dated 20th May, 2011 can be used as a permanent source of appointment. The decision of the State Government that the panel would have the life of one year is fair and reasonable. Once after the expiry of one year, fresh selection process has been initiated and appointments made from that selection process undertaken, the



appellant cannot claim right of appointment on the basis of the panel prepared in the year 2013, in which her name appeared at serial no. 59 as a waitlisted candidate. Similar issue has been examined by the Hon’ble Supreme Court in the case reported as Kulwinder Pal Singh Vs. State of Punjab, AIR 2016, S.C. 2281 in which it has been held that the waiting list cannot be used as a reservoir for making appointment from that list from time to time.

8. In that view of the matter, we do not find any merit in the letters patent appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Amin/-

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

