

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.94 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 19596 of 2014**

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Md. Jamal, Son of Md. Taiyab Hussain, resident of Village + P.O.-Dinapatti, P.S.-
Pipra, District-Supaul.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Director, Agriculture, Department of Agriculture, Government of Bihar, Patna.
3. The District Officer-cum-Chairman, Kisan Salahkar Chayan Samiti, Supaul.
4. The District Magistrate, Supaul.
5. The District Agriculture Officer, Supaul-cum-Secretary, Kisan Salahkar Chayan Samiti, Supaul.
6. Chandan Kumar, Son of Shailendra Mukhiya, resident of Village + P.O.- Jagatpur, P.S. + District-Supaul.

.... Respondent/s

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Appearance:

For the Appellant/s :

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: 15-02-2017

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 01.12.2015 in C.W.J.C. No. 19596 of 2014 whereby, the writ application filed by the appellant challenging the appointment of respondent no.6 and also direction for his appointment as *Kisan Salahkar* remained unsuccessful.

2. Learned counsel for the appellant does not challenge the appointment of respondent no.6 as he belongs to Extremely Backward Class Category and is higher in merit. However, claim of



the appellant is that since the vacancy is available, therefore, the appellant should have been appointed out of the panel prepared.

3. It is not the case of the appellant that any candidate who is lower in merit than the appellant has been appointed. Mere fact that the name of the appellant appears in the select list does not confer any right of appointment on account of available vacancies, if any. Admittedly, fresh advertisement has been issued and the vacancies, if any, must have been taken into consideration in subsequent advertisement.

4. Therefore, in view of the judgment reported as A.I.R. 2016 Supreme Court 2281(Kulwinder Pal Singh and another v. State of Punjab and others), the appellant does not get right of appointment on the basis of the fact that his name appears in the select list, more so when fresh advertisement has been issued inviting applications for filling up the vacant posts.

5. In view thereof, we do not find any error in the order passed by the learned Single Bench. Accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra/-

AFR/NAFR	NAFR
CAV DATE	NA
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