

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.915 of 2016  
IN  
Civil Writ Jurisdiction Case No. 10008 of 2012**

=====

Md. Murshid Alam, son of Md. Abdul Shakoor, resident of village and P.S. Chandan, District Banka.

.... .... Appellant/s

Versus

1. The State of Bihar.
2. The Director, Department of Human Resources Development, Government of Bihar, Patna.
3. The District Magistrate, Jamui.
4. The District Superintendent of Education-cum-District Programme Officer (Establishment), Jamui.
5. The Member District Teachers Employment Tribunal, Jamui.
6. The Block Development Officer, Jhajha, District Jamui.
7. The Block Education Extension Officer, Block Jhajha, District Jamui.
8. The Panchayat Sachiv, Gram Panchayat Telwa, Block Jhajha, District Jamui.
9. The Mukhiya, Gram Panchayat Telwa, Block Jhajha, District Jamui.
10. Md. Jamaluddin, son of Late Jamiruddin, resident of village Puranka Dih, P.S. Jhajha, District Jamui.

.... .... Respondents-Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Devendra Kumar Singh, Advocate  
For the State : Mr. Subhash Pd. Singh, G.A.-3  
Mr. Dilip Kumar, AC to GA-3  
For the private respondent : Mr. Md. Harun Quareshi, Advocate  
Mr. Nasrul Huda Khan, Advocate

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 27-04-2017**

Even though various grounds were raised, technical in nature, to say that the Tribunal interfered into the matter after the period of limitation is over and the various other grounds are raised to say that the Chief Minister has no authority, but the facts remain that the learned Writ Court examined various aspects of the matter



and found that a less meritorious candidate has been appointed ignoring the merit of the more meritorious candidate, i.e. the complainant herein, and taking note of these factors, the learned Single Judge directed for holding the entire process of selection afresh. The jurisdiction exercised by the learned Writ Court in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution is to do substantial justice on finding the selection process to have been conducted illegally and if the learned Writ Court on such consideration has interfered into the matter, we see no reason to interfere with the discretion exercised by the learned Writ Court which was in furtherance to do substantial justice and to undo injustice done by virtue of illegal selection made. Finding no error in the order of the learned Writ Court, the appeal is dismissed.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

Sunil/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N. A. F.R. |
| CAV DATE          | N. A.      |
| Uploading Date    | 04.05.2017 |
| Transmission Date |            |

