

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.548 of 2016

IN

Civil Writ Jurisdiction Case No. 21718 of 2012

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Surya Prakash, S/o Sri Ashok Kumar Singh, R/o Showan, P.S.- Krishna Brahmb,
Distt- Buxar.

.... Appellant/s

Versus

1. The State of Bihar, through Chief Secretary, Govt. of Bihar, Patna.
2. Secretary Personal Administrative Department, Govt. of Bihar at Patna.
3. Chairman, Bihar Vidhan Parishad, Govt. of Bihar at Patna.
4. Secretary, Bihar Vidhan Parishad, Secretariate, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Seeking exception to an order dated 13.02.2014 passed by
the learned Writ Court in CWJC No.21718 of 2012, this appeal has
been filed under Clause 10 of the Letters Patent.

An advertisement was issued in the year 1999 for
appointment to Security Guard in Bihar Vidhan Parishad. Petitioner



applied for the same and was not appointed. After waiting for seven years, in the year 2007 it is alleged that the petitioner came to know that certain persons have been appointed and, therefore, he filed an application for getting certain informations under the Right to Information Act. It is said that right from the year 2007 up to 2012, the matter was pending before the various authorities and finally in the year 2012, he got the informations under the Right to Information Act and filed the writ petition in the year 2012 challenging the appointment held in the year 1999. The learned Writ Court taking note of the fact that the appointment was made in the year 1999 and merely because the petitioner was prosecuting the matter under the Right to Information Act, the cause of action for challenging the appointment does not survive dismissed the writ petition.

Apart from the fact that we do not find any illegality in the order passed by the learned Writ Court, on going through the original record of the writ petition, we further find that neither the persons, who are said to have been illegally appointed, were arrayed as respondents, nor their appointment was challenged in the writ petition and without the same being done, the writ petition itself was not maintainable.

Accordingly, on this count, the writ petition filed by the petitioner was not maintainable and taking note of the totality of the circumstances, we are not inclined to interfere into the matter. The



appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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