

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7113 of 2016

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1. Harihardatt Vatsa Kumar Pankaj Son of Sahu Sitaram Pankaj Resident of village - Nawadakalan, Police Station - Ganga Bridge, District - Vaishali.
 2. Rakeh Kumar Son of Nagendra Prasad resident of village - Banchauri (Dholi), Police Station - Dumra, District - Sitamarhi.
 3. Saroj Kumar Yadav Son of Gopal Krishna Yadav resident of village - Bharauli, Police Station - Shahpur, District - Bhojpur.
 4. Pancham Kumar Singh Son of Mangal Kishore Singh resident of village - Hemja, Police Station - Haidarnagar, District - Palamu, Jharkhand.
 5. Ramkrit Sah son of Ramsajiban Sah resident of village - Rampura, Police Station - Singhwara, District - Darbhanga.
 6. Surendra Kumar Singh Son of Yamuna Prasad Singh resident of village - Katahan, Police Station - Mehshi, District - East Champaran.
 7. Krishna Kumar Son of Ramashrey Prasad resident of village - Abdulpur, Police Station - Fatuha, District - Patna.
 8. Rajesh Kumar Mahto son of Dinesh Mahto resident of Mohalla - Laxmisagar, Saidpur (DAV Road), Police Station - L.N.M.U., Darbhanga, District - Darbhanga.
 9. Ravikant Kumar son of Vimal Prasad C/o Dinanath Prasad, Road No. - 2, Near Boys Middle School, Police Station - Gidhour, District - Jamui.
 10. Jitendra Kumar Son of Shahsi Bhushan Singh resident of village - Sambey, Police Station - Warsaliganj, District - Nawada.
 11. Prem Kumar Son of Ramashish Prasad resident of Mohalla - Tarchha, Police Station - Sheikhpura, District - Sheikhpura.
 12. Rakesh Kumar Son of Late Aditya Sahu resident of House No. 138, Kumhrar Toli, Melatar, Police Station - Khunti, District - Khunti, Jharkhand.
 13. Birendra Kumar Son of Late Diwakar Prasad Gupta resident of Village - Nayagaon, Police Station - Aurai, District - Muzaffarpur.
 14. Mrinalini Bhaskar son of Late Shiv Narayan Tanti resident of village - Rahmatpur, Dhangola Asarganj, Police Station - Asarganj, District - Munger.
 15. Utsav Kumar Son of Birendra Kumar Singh resident of Magadh Electric, Gur Ki Mandi, Shershah Road, Police Station - Alamganj, District - Patna.
 16. Md. Shahzad Salim Ansari son of Late Salim Ahmad resident of village - Imampur, near Sr. Academy, Police Station - Habibpur, District - Bhagalpur.
 17. Dheeraj Kumar son of Gaya Prasad Singh resident of Mohalla - Indira Nagar, Road No. - 1, Postal Park, Police Station - Jakkanpur, District - Patna.
 18. Nitesh Kumar son of Ram Bilash Pandit Resident of mohalla - Teachers Colony, Mirzanhatt, Jagdishpur, Police Station - Mirzanhatt District - Bhagalpur.

.... Petitioners

Versus

1. The Bihar State Power Holding Company Ltd. through its Chairman-Cum-Managing Director.
2. The Chairman-cum-Managing Director, Bihar State Power Housing Company Ltd, Vidyut Bhawan, Bailey Road, Patna.
3. The Deputy General Manager, Human Resources & Administration, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the Respondent/s : Mr. Anand Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**ORAL JUDGMENT****Date: 23-08-2017**

Heard Mr. Bindhyachal Singh, learned counsel appearing for the petitioners and Mr. Anand Kumar Ojha, learned counsel appearing for the respondents.

The petitioners pray for a writ in the nature of mandamus commanding the respondents to appoint the petitioners on the post of Junior Accounts Assistant which has remained vacant by non-joining of the candidates so selected for appointment following the selection process initiated through Employment Notice No. 1/ 2014.

It is not in dispute that for the identical relief the petitioners had earlier come before this Court in C.W.J.C.No. 6902/2015 but failed to persuade the Bench for seeking a favourable direction, rather even while allowing the petitioners to raise their grievances before the respondents, the Bench has found the right so claimed by the petitioners to be debatable. In other words, the plea raised by the petitioners that the respondents were duty bound to go down the list in case of non-joining of any of the selected candidates did not find favour with the Bench. It is following the liberty that an exhaustive representation was filed by the petitioners vide Annexure 6, which has been rejected by the Chairman cum Managing Director bearing Memo



No. 74 dated 15.2.2016, impugned at Annexure 7. According to the Chairman cum Managing Director, in absence of stipulations present in the employment notice obliging the employer to go down the merit list in case of non-joining of the selected candidates, the selection process was one time exercise.

While Mr. Bindhyachal Singh, learned counsel for the petitioners, has referred to the documents included in the supplementary affidavit to submit that in similar situation the Electricity Board has moved down the merit list, Mr. Anand Kumar Ojha, learned counsel for the respondents, while referring to a Division Bench Judgment of this Court arising from L.P.A.No. 289/2014 has submitted that similar plea being raised by the petitioners in connection with a similar selection process, has been rejected in reference to the settled legal position on the issue.

Having heard learned counsel for the parties and considering the undisputed fact that the petitioners seek to enforce their right of appointment merely on empanelment, I do not even find the necessity to refer to the judgment on the issue to hold that mere empanelment bestows no right to the petitioners for seeking appointment and since the advertisement itself did not conceive of a waiting list nor gives any stipulation to vest any right to a person on the list in case of non-joining of a selected candidate, no cause



for indulgence is made out and the writ petition is accordingly dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2017
Transmission Date	NA

