

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.997 of 2016

In
Civil Writ Jurisdiction Case No.12366 of 2015

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Dr. Sita Ram Singh, Son of Late Shesh Nath Singh, Resident of Village
Kotwali, P.S. Rajaun, District- Banka

... .. Appellant/s

Versus

The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
& Ors

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yugal Kishore, Sr. Adv. Mr. Virendra Prasad, Adv. Mr. Ugra Nath Mallik, Adv.
For the Respondent/s	:	Mr. AAG13- Ashok Kr.Choudhary
For B.P.S.C.		Mr. Zaki Haider, Adv.
For Respondent No.13		Mr. Ashish Giri, Adv.
For Respondent No.14		Mr. Sanjay Kumar, Adv.
For Respondent Nos.9 to 11		Mr. Gaurav Gobind, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-11-2017

Seeking exception to an order dated 30.03.2016
passed by the learned Writ Court in C.W.J.C. No.12366 of 2015,
this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner had challenged the appointment of
private respondent Nos.9 to 14 undertaken by the Bihar Public
Service Commission on the ground that they are not qualified for
appointment as Principal to various Government Polytechnics. The
learned Writ Court examined the issue in the backdrop of various



judgments of the Hon'ble Supreme Court namely Ramesh Chandra Shah Vs. Anil Joshi, (2013) 11 SCC 309, Bavaiah (Dr.) Vs. Dr. H.L. Ramesh, (2010) 8 SCC 372 and found that there is no illegality in the appointment.

On going through the detailed order passed by the learned Writ Court and having considered the fact that the petitioner now has retired from service and cannot claim appointment to the post in question, we are not inclined to interfere into the matter at the instance of the petitioner now, particularly when the learned Writ Court has given detailed justification for upholding the appointment.

Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.12.2017
Transmission Date	

