IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1416 of 2014
In
Miscellaneous Jurisdiction Case No. 5129 of 2013

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Nutan Kumari, W/o Hareram Mehta, resident of village - Manganj East P.S. Jadiya, District – Supaul.

.... Appellant

Versus

1. The State of Bihar, through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Supaul.
5. The District Social Welfare Officer, Supaul.
6. The Block Development Officer, Triveniganj.
7. The Child Development Project Officer, Triveniganj.
8. The Mukhiya, Gram Panchayat, Manganj, East, P.S. Jadiya, District – Supaul.
9. The Panchayat Secretary, Gram Panchayat, Manganj - East, P.S. Jadiya, District – Supaul.
10. The Executive Officer, Triveniganj Block - Triveniganj, District – Supaul.
11. Kanak Kumari, wife of Birendra Mahto, resident of village - Manganj, Purab, P.S. Jadiya, District – Supaul.

.... Respondents

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Appearance :
For the Appellant : None.
For the Respondents : Mr. Sunil Kumar Mandal, S.C. 3, Neelam Kumari, A.C. to S.C. 3 and Mr. Arjun Prasad, A.C. to S.C.3.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 05-05-2017 None appears for the petitioner. Sri Sunil Kumar Mandal appears for the respondents.

Learned Writ Court after taking note of the fact that the challenge made by the petitioner to selection of respondent no. 11 has already been annulled as appointment has already been terminated by the statutory authority vide order dated 30.01.2008

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and therefore, relief to that extent cannot be granted to the petitioner. Thereafter, the claim of the petitioner for appointment on the post vacated after termination of respondent no. 11 has been rejected by the learned Writ Court by holding that the post is reserved for appointment of Extremely Backward Caste persons and this petitioner does not belong to this category. Therefore, the said relief cannot be granted.

That being so, taking note of all these factors, the learned Writ Court did not find any ground for making any indulgence in the matter.

We find no reason to make any indulgence in the matter. That apart, we are informed by Sri Sunil Kumar Mandal, learned counsel representing the State Government that subsequent developments have taken place and further appointment to the post in question has already been done and in this proceeding, their appointment has not been challenged. For the present, no action is called for in the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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