

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1925 of 2016
IN
Civil Writ Jurisdiction Case No. 8361 of 2014**

=====

1. Ram Balak Paswan Son of Late Brahamdeo Paswan Resident of village -
Kapsimawan, Police Station and Sub Division - Hilsa, District - Nalanda at
Bihar Sharif

.... Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda at Bihar Sharif
3. The Deputy Collector, Establishment, Nalanda Collectorate at Bihar Sharif
4. The Deputy Collector, Nazarat, District Nalanda at Bihar Sharif
5. The Sub - Divisional Officer, Hilsa, District Nalanda
6. Suresh Chaudhary Son of Munsii Chaudhary Resident of village -
Karaiparsurai, Hilsa, District Nalanda at Present Posted on the post of Peon in
the office of Civil Surgeon - Cum - Chief Medical Officer, Nalanda

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma-AAG-3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017

Seeking exception to an order dated 5.9.2016 passed by
the learned Writ Court in C.W.J.C. No.8361 of 2014, this appeal has



been filed under Clause 10 of the Letters Patent.

Petitioner participated in a selection process undertaken by the District Collectorate, Patna. Based on the selection process conducted, petitioner was empanelled for appointment in the panel that was prepared in 1997. However, before the panel in the case of the petitioner could be operated and petitioner could be appointed, petitioner was involved in a criminal case and faced the criminal case. As a result, his name was removed from the panel. Now the petitioner has been exonerated and the petitioner wants restoration of his appointment by filing the writ petition in the year 2014. Taking note of all the facts and circumstances, the learned Writ Court has held that once the petitioner was involved in a criminal case, merely because he has been exonerated, he cannot be put back in the panel.

The juniors said to have been appointed were persons who were not involved in a criminal case and when the panel was operated, they were found fit and were appointed. As far as the petitioner is concerned, he was found involved in a criminal case and thus unfit to be appointed.

Once the involvement in a criminal case disentitles him from being appointed, the learned Writ Court has not committed any



error in rejecting his prayer on the said ground.

Accordingly, finding no case for interference, this appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	5.8.2017
Transmission Date	N/A

