

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.875 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 15818 of 2012**

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Chandan Kumar, Son of Shri Surendra Prasad, resident of Mohalla, NPCC Colony,
P.S- Balmiki Nagar, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources and Development Department, Bihar, Patna.
2. The Secretary, Department of Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Bettiah, West Champaran.
4. The Block Development Officer, Bagaha-2, District- West Champaran.
5. The Mukhia, Gram Panchayat Raj Lakshmipur, Rampurva, Bagaha-2 Block, District- West Champaran.
6. The Panchayat Sevak, Gram Panchayat Raj Lakshmipur Rampurva, Bagaha-2 Block, District- West Champaran.
7. Ravi Kumar, Son of Bideshi Ram, resident of Village- Bhede Chaur, Post-Farsahani, P.S.- Laukaria, District- West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Kumar Alok, S.C. 7
Mr. Satyeshwar Prasad, A.C. to S.C. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-06-2017

In the matter of appointment of the appellant on the post in question challenge made to Respondent No. 7 failed before the Appellate Authority primarily on account of the fact that Respondent No. 7 resigned from the post and after his resignation the post could not be filled up by appointing a person on the basis of the selection conducted or the panel process. That apart, we find that the learned



Writ Court after taking note of all these factors and the fact that the qualification for appointment to the post has now changed has refused to interfere into the matter and in doing so, the learned Writ Court has not committed any error.

That apart there is a delay of more than two years in filing of this appeal and we see no reason to make any indulgence into the matter now, as the rules for appointment to the post have also undergone change. It is a settled principle of law that a post which is vacated by resignation of a person after the selection process is complete cannot be filled up by a person in the panel or wait-list, it has to be filled up by initiating fresh process of selection and considering all these aspects of the matter the learned Writ Court having refused to interfere, has not committed any error warranting reconsideration.

The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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