

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1290 of 2015

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1. Dinesh Kumar S/o Awadh Bihari Prasad, resident of Village - Nadaw, P.O. - Nadaw, District - Buxar.
 2. Tej Narayan Singh S/o Zeiut Singh, resident of Village - Dubaully, P.O. - Pullia, District - Buxar.
 3. Rakesh Kumar Shukla S/o Ravi Ranjan Shukla, resident of Village - Shukalpur, P.S. - Bagan, District - Buxar.
 4. Bheem Nonia S/o Bhikhari Nonia, resident of Village - Saitapur P.S. - Rajpur District - Buxar.
 5. Ajay Kumar Ajad S/o Bachchamuni Singh, resident of Village - Mathia, P.S. - Buxar, District - Buxar.
 6. Munna Prasad Thakur S/o Shiv Shankar Thakur, resident of Durga Mandir Chousa, P.S. - Buxar (M), District - Buxar.
 7. Subhash Prasad S/o Srinath Singh Prasad, resident of Village - Nimej, P.O. - Nimej, District - Buxar.
 8. Gautam Kumar S/o Kanhaiya Choudhary, resident of Village - Badka Nuaw, P.S. - Buxar (M), District - Buxar.
 9. Govind Kumar Choudhary S/o Ram Kripal Choudhary, resident of Village - Turha Toli Main Road, P.O. - Buxar, District - Buxar.

.... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Buxar.
5. The D.D.C. , Buxar.
6. The Additional Collector, Buxar.
7. The District Transport Officer, Buxar.
8. The Deputy Collector, Establishment, Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kr. Singh, Adv.
Mr. Shashi Kumar

For the Respondent/s : Mr. AC to SC

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 14-02-2017 Heard Sri Surendra Kumar Singh, learned counsel,

assisted by Sri Shashi Kumar, learned counsel for the petitioners

and learned State Counsel.



Nine petitioners joining together have approached this Court by filing the present writ petition under Articles-226 and 227 of the Constitution of India with a prayer to direct the Respondents to appoint them as Driver in terms of selection made on 16.01.2014 by the Selection Committee headed by the District Magistrate, Buxar.

It was submitted by learned counsel for the petitioners that pursuant to advertisement published for the post of Driver on contract basis, the petitioners applied and participated in the selection process and their names have been recommended by the Selection Committee and even after recommendation , petitioners names were included in the panel, but no final decision has been taken. However, by filing a counter affidavit, a stand has been taken that in the midst of selection process, some complaint was received, which suggested that transparency was not adopted. Initially selection process was stayed and finally by order contained in Memo No.01-1762/Est. dated 06.12.2014 , the panel made on the basis of test has been cancelled and it has been directed to initiate afresh selection process after obtaining roster approval. Of course, the said panel has been cancelled by Annexure-C to the counter affidavit; but the said order has not been assailed.



In view of fact that the petitioners' names were only included in a panel, they had not acquired indefeasible right. Moreover, the said panel has already been cancelled by an order, which is not under challenged. Accordingly, the writ petition stands dismissed.

(Rakesh Kumar, J)

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