

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1398 of 2013

IN

Civil Writ Jurisdiction Case No. 8521 of 2012

=====

Tara Kant Sinha Son Of Sri Bhupendra Narain Sinha Resident Of Mohalla- Nakki
Nagar (Kaystha Tola), Jamalpur, Police Station- Jamalpur, District- Munger

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Dept. of Home, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. Superintendent of Police, S.T.F., S.T.F. Headquarter, 'Ekta Bhawan', In Front Of Golghar, Patna- 800001
5. The Chairman Selection Committee, S.T.F., S.T.F. Headquarter, 'Ekta Bhawan', In Front Of Golghar, Patna- 800001
6. Superintendent of Police, Sheohar
7. Sri Arun Ram S/O Sri Lakahn Ram Resident Of Gola Road, East Of Jhakhri Mahadeo, Danapur, P.S. Danapur, Distt. Patna, Presently Working On The Post Of Sweeper In The S.T.F. Headquarter, Ekta Bhawan, In Front Of Golghar, Patna- 800001, Residing In New Police Line, Lodhipur, P.S. Budha Colony, Patna- 800001
8. Vikash Kumar S/O Sri Bhola Ram Resident Of Kanti, Kasba-Gop Tola, Ward No. 9, P.S. Kanti, District- Muzaffarpur, Presently Working On The Post Of Sweeper, S.T.F. Headquarter, Ekta Bhawan, In Front Of Golghar, Patna- 800001
9. Ram Kumar Sah S/O Not Known Working As Sweeper In The S.T.F. Headquarter, Ekta Bhawan, In Front Of Golghar, Patna- 800001
10. Anand Chaudhary S/O Sri Prabhudayal Choudhary Resident Of Daroga Chakia, P.S. Muffsil (Ara), Distt. Bhojpur, Presently Working On The Post Of Sweeper In The S.T.F. Headquarter, Ekta Bhawan, In Front Of Golghar, Patna- 800001

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. PUSHPA SINHA

For the Respondent/s : Mr. GIRIJA SHANKAR PD

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-02-2017

I.A. No.7873 of 2013 is allowed for the reasons indicated

therein and delay of 28 days in filing the appeal is condoned.

2. Heard counsel for the appellant and counsel for the State.



3. Impugned order dated 29.04.2013 rejecting the prayer of the petitioner to annul the selection of the private respondents on the post of Safai Mazdoor is not required to be interfered with because the two grounds, one of non-attestation of certificates and the other that the appellant was the sole candidate in the unreserved category, therefore, he had a right for appointment in general category, have been duly considered and rejected.

4. The parting submission of the learned counsel for the appellant that there is a vacancy subsisting because of resignation of one of the selected candidates now is of no avail because law is well settled in this regard even by the Apex Court that any vacancy caused after joining and resignation cannot be used for the same to be filled up by any candidate from the panel as the panel life comes to an end after the appointment process is over.

5. Thus reasons for rejection are not erroneous in law, therefore, appeal lacks merit and it is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	NA

