

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17588 of 2008

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Mahesh Kumar, son of Umashankar Singh, resident of Vidya Nagar, Ward No. 20,
P.S. Gopalganj, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Nodal Officer, Barauli Block, District Gopalganj
4. The Block Development Officer, Barauli, Gopalganj
5. The Sarpanch Salampur East Panchayat in Barauli Block District Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Bipin Chandra
Mr. Javed Aslam

For the Respondent/s : AC to GP – 17

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 16-03-2017

1. Heard Dr. Bipin Chandra , learned counsel , assisted by
Sri Javed Aslam, learned counsel for the petitioner and learned AC to
GP No. 17.

2. The petitioner , has approached this Court invoking its
writ jurisdiction under Article 226 of the Constitution of India , with
a prayer to direct the respondents to appoint him as ‘Nyay Mitra’ in
Salempur East Panchayat within Barauli Block in the district of
Gopalganj.

3. It has been pleaded that petitioner participated in the
selection process of ‘Nyay Mitra’ in Gram Katchary as mentioned
hereinabove. In the said selection process a merit list was prepared
and in the merit list petitioner’s name had figured at second place .



According to learned counsel for the petitioner the candidate who was at serial no. 1 in the merit list did not participate in counseling and as such, as per the prevailing Rules the said vacancy was to be filled up from the next candidate. According to learned counsel for the petitioner the panel was required to be maintained for five years and any vacancy within such period was to be filled up from the same panel. In the writ petition it has been indicated that without offering any appointment letter to the petitioner subsequent advertisement was published but the petitioner has got no information and the authorities concerned to the reasons best known to them had proceeded with the selection process. As per learned counsel for the petitioner, petitioner being at serial no. 2, the case of the petitioner was required to be considered for appointment as 'Nyay Mitra' in the said Gram Katchary.

4. In this case a counter affidavit has been filed on behalf of the respondent no. 4 i.e. Block Development Officer, Barauli, Gopalganj. In the counter affidavit a specific statement has been made that in the selection process one Sri Madhusudan Tiwari was finally selected however, subsequently he did not join as 'Nyay Mitra' and thereafter, by the order of the District Magistrate fresh vacancy was published for appointment of 'Nyay Mitra' in Salempur Purvi Panchayat. As per fresh advertisement only one candidate namely Sri



Kamlesh Kumar applied and he was finally selected. It has also been indicated that now the post of ‘Nyay Mitra’ in Salempur has been reserved for handicapped candidate.

5. In the writ petition though a prayer was made to direct the respondents to appoint petitioner as ‘Nyay Mitra’, no prayer was made to assail the fresh advertisement nor petitioner has bothered to implead the person who has been appointed pursuant to fresh advertisement. Considering the fact that in the first selection process of the year 2007 though petitioner’s name had appeared at serial no. 2, the candidate at serial no. 1 was finally selected, who subsequently did not join, there was no reason to keep the post vacant and now once subsequently the vacancy was advertised and selection process is finally completed , there is no reason to pass any favourable order.

6. The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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