

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.36 of 2016

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Shailesh Kumar Chaudhary Son of Sri Uday Narayan Chaudhary Resident of -
Maharana Pratap Nagar, New Police Line, Ara, P.S. Nawada, District - Bhojpur,
Pin Code - 802301, Bihar

.... Petitioner

Versus

1. The State of Bihar, through its Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director, Secondary Education Government of Bihar, New Secretariat, Patna, Bihar
3. The District Magistrate, Ara Bhojpur, Bihar
4. The Municipal Commissioner, Ara, Bhojpur, Bihar
5. The Deputy Development Commissioner cum Executive Officer, Zila Parishad, Bhojpur, Ara, Bihar
6. The District Education Officer, Bhojpur, Ara

.... Respondents

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Avinash Shekhar, AC to SC-6
For Zila Parishad : Mr. Nikesh Kumar, Adv.
For Nagar Nigam, Ara : Mr. Bishwa Bibhuti Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-10-2017

None appears on behalf of the petitioner. While Mr. Nikesh Kumar appears for the Zila Parishad, Mr. Avinash Shekhar, AC to SC-6, appears for the State and Mr. Bishwa Bibhuti Kumar Singh appears for the Corporation.

I have heard learned counsel for the respondents and have perused the records.

The writ petition was filed praying for issuance of a writ in the nature of mandamus commanding the respondents to consider the application filed by the petitioner for appointment on the post of Librarian.



It is the specific case of the petitioner that he had filed his application for appointment on the post of Librarian under Zila Parishad and not Municipal Corporation.

Although initially a counter affidavit was filed by Arrah Municipal Corporation in which it is stated that the petitioner had not applied for the post of Librarian under Bhojpur Zila Parishad, rather his application was for appointment on the post of Librarian under Arrah Municipal Corporation and since the last appointed candidate under general category had secured 62.74% of marks, the petitioner having secured 58.003%, could not be selected. The affidavit was contested by the petitioner on grounds that he never applied before the Corporation, rather the application for appointment was under Zila Parishad. It is in the contesting circumstances that this Court directed the petitioner to add the Zila Parishad as well as District Education Officer, Bhojpur as party respondents to the proceedings and who were asked to file counter affidavit, which has since been filed. A specific stand has been taken in the affidavit filed by the District Education Officer as well as Zila Parishad in reference to the records of the selection process in which it is stated that the petitioner had never filed his application for appointment on the post of Librarian under Zila Parishad rather his application was against the same post in the Corporation. It is also clarified that those who had applied for the post of Librarian under Zila Parishad were codified as 'E' against



serial number while those who had applied under the Corporation were codified as 'F' against the serial number, but inadvertently in the counter affidavit filed initially it was mentioned as 'A' instead of 'F'. The affidavits make reference to the records of the selection process to confirm that the petitioner never applied for appointment with the Zila Parishad rather he had filed his application under the Corporation and since he did not meet the merit, hence was not selected.

Mr. Nikesh Kumar is in possession of the records to submit that the serial number 727 under Zila Parishad was one Pankaj Kumar, son of late Uma Shankar Prasad and not the petitioner, who was numbered as 727E while the number of the petitioner bears serial no. 727F with the Corporation.

Having heard learned counsel for the parties and taking note of the position clarified in the counter affidavit filed on behalf of the Zila Parishad, the District Education Officer and the Municipal Corporation which go uncontested, no cause is made out for grant of indulgence to the prayer made.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.11.2017
Transmission Date	NA

