

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1434 of 2015
IN
Civil Writ Jurisdiction Case No. 18799 of 2012**

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Satyendra Sharma son of Late Yadu Sharma, resident of village- Sona, P.O.-
Adampur, Piplawar, P.S. Naubatpur, District- Patna.

.... Appellant

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department now Education Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
3. The Secretary, Law Department, Govt. of Bihar, Old Secretariat, Patna.
4. The Joint Secretary, Law Department, Govt. of Bihar, Old Secretariat, Patna.
5. The Director, Primary Education, Human Resources Development Department now Education Department, Govt. of Bihar, New Secretariat, Patna.
6. The Director, (Administration) cum Additional Secretary, Human Resources Development Department now Education Department, New Secretariat, Patna.
7. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
8. State of Jharkhand through Principal Secretary, Human Resources Development Department, Ranchi (Jharkhand).

.... Respondents

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Appearance :

For the Appellant : Mr. Anil Kumar, Advocate
For the Respondent State: Mr. Rajiv Roy, G.P.-5
For the Respondent BPSC : Mr. Sanjay Pandey, Advocate
For the Respondent No.8 : Mr. Nazir Ansari, Advocate
Mr. Ganesh Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

Heard counsel for the appellant on the limitation
petition as well as on the merits. Delay of three days is condoned.

I.A. No. 6333 of 2015 is allowed.



The issue relates to appointment on a Class-III post against Advertisement No. 5/1988. There were several rounds of litigations relating to the selection and the appointment over a period of time. The present writ application is part of one of those writ applications where people have not given up hope for appointment even when more than 28 years had gone past since the advertisement was issued and even appointments came to be made years ago.

When the petitioner asserted his right for a direction upon the respondents to appoint him, the learned single Judge has taken note of the history of litigation, the law on the issue as well as the order passed by a Division Bench where it was categorically held that no further appointments on the basis of the merit list relating to the advertisement No.5/1988 could be made.

If the embargo was created by the Division Bench and the law being well settled on the principle that once appointments have been made, the merit list exhausts itself, such an exercise cannot be an ongoing exercise for over a period of three decades.

The Court does not find any infirmity with the reasonings provided for rejection of the claim of the petitioner by the learned single Judge.



Appeal lacks merit. It is dismissed accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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