

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1293 of 2014
IN
Civil Writ Jurisdiction Case No. 22336 of 2011**

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Upendra Prasad S/o Late Saryoo Shaw resident of Village - G.B. Kendua, P.O.
G.B. Kendua, P.S. - Sirdalla Distt. Nawada, Pin - 805122 (Bihar).

.... Appellant

Versus

1. The State of Bihar.
2. The Commissioner of MANREGA Cum Chief Executive Officer, Biha Rural Development Society, Govt. of Bihar, Old Secretariat, Patna , Pin - 800001 (Bihar).

.... Respondents

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Appearance :

For the Appellant : Mr. Mahesh Prasad, Advocate

For the Respondents : Mr. Anil Kumar Verma, AC to AAG-9

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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: 20-04-2017

On basis of an advertisement issued in the year 2007 for which so-called written test was held by the Bihar Rural Development Society. Various posts were required to be filled up. There were diverse kinds of posts starting from Senior Accounts Officer to the post of Accountant, Computer Operator, Panchayat Rojgar Sevak, etc.etc. Since no appointment came to be made, the appellant decided to approach the High Court by filing a writ which has been dismissed by the learned single Judge on 20th June, 2013 and, therefore, the appeal.

The reason for dismissal of the writ application has been found to be as under :



“The first thing that is to be noted is as noted earlier also that there were different posts with different eligibility and different remuneration that were advertised. The numbers of vacancies were different for different posts. What was in fact done was a singular merit list prepared. In the merit list in column-3, as produced by the petitioners himself in course of the argument, reference to various posts which a candidate has applied is mentioned. In effect, this merit list also functions as post wise merit list. Admittedly and unfortunately, petitioners did not make the merit at any point of time when appointments were made. Petitioners are wrong in asserting that in 2010 fresh consent from everybody empanelled was sought for. This is evident from Annexure-2 to the writ petition itself, which is the notification seeking fresh consent from candidates who had appeared in the examination in the year 2007. The notification does not even mention Senior Accounts Officer or Accounts Clerk or Computer Operator. It mentions apart from other Accountant and Panchayat Rojgar Sevak, which is relevant, so far as petitioner nos.3,4,6&7 are concerned. So far as petitioner nos.2&5 are concerned, they have no cause to be aggrieved in any manner having not made to the merit list. So far as the remaining four petitioners are concerned, there is categorical statement in the counter affidavit that none of them made to the merit of selection even in 2010. Thus, even they do not have



any right to maintain this writ petition. So far as petitioner nos.3&4 are concerned, in the counter affidavit it is said that they had applied for the post of Accountant which posts were not considered to be filled up and, accordingly, their consent was not acted upon.”

The reasons provided by the learned single Judge are cogent and valid reasons for dismissing the writ application and no right as such was created and the writ application was filed on a make believe story.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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