

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2007 of 2015

In

Civil Writ Jurisdiction Case No.6865 of 2015

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Brij Nandan Singh son of Late Sheo Pujan Singh, Resident of Mohalla -
D.V.C. Colony, Jakkanpur, P.S. - Jakkanpur, District - Patna.

... .. Appellant

Versus

1. The Bihar State Electricity Bord, through its Chairman, Bailey Road, Patna.
2. The Secretary, Bihar Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The Director (Adm.) Bihar State Electric Power (Holding) Company Ltd., Bihar, Patna.
4. The Dy. Director (Human Resources) Bihar State Power Holding Company Ltd., Bihar, Patna.
5. The General Manager cum Chief Engineer, South Bihar Power Supply Ltd., Bihar

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Dhananjay Kumar, Advocate
For the Respondents	:	Mr. Vinay Kirti Singh, Senior Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 12-09-2017 Heard counsel for the appellant and the senior counsel for
the Power Holding Company.

The order under challenge is dated 01.05.2015 passed by
the learned single Judge, who after hearing the parties disposed
of the writ application giving an opening for consideration, but
the immediate relief of quashing the advertisement for
appointment on the post of Junior Engineer was negated.

Having given a patient and detailed hearing to the counsel



for the appellant, we do not disagree with the observations and findings given by the learned single Judge on the ground that there is no occasion to quash an advertisement against which the appointments have already been made and third party rights have been created.

The stand of the counsel for the appellant that it is a case of discrimination and fair opportunity for consideration for accommodation to the higher post has not been given despite appellant having undergone training and acquired skill seems to be misplaced because the advertisement called for applications for appointment to the post of junior engineer and was not an exercise for granting accommodation/promotion. Any right for consideration will flow from the terms of advertisement and not otherwise provided the person fulfills the eligibility.

Appeal, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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