

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.609 of 2017

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Sudhir Kumar Son of Late Saudi Singh Resident of Village - Khanawan, P.S. - Narhat, District - Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Labour Resources, Government of Bihar, Patna.
4. The Additional Secretary, Department of Labour Resources, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Labour Resources, Government of Bihar, Patna.
6. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Ajay Kr. Rastogi, AAG10
For the BPSC : Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-06-2017

None appears on behalf of the petitioner. Learned counsel for the State and Mr. Sanjay Pandey, learned counsel for the Commission, appear to oppose the writ petition.

The petitioner is aggrieved by the requisition dated 16.6.2015, impugned at Annexure 11 to the writ petition, whereby the Bihar Public Service Commission has been requested to advertise the post of Inspector of Boilers for appointment and while doing so, give the age relaxation to all those who were found eligible for such appointment at the time of issuance of Advertisement no. 97/1998.



Having considered the arguments of learned counsel for the respondents, I am of the opinion that this writ petition is misconceived and raises stale issues. The initial advertisement issued in this regard bearing no. 97/1998 had not resulted in any appointment. Feeling aggrieved the petitioner came before this Court in C.W.J.C.No. 11643/2003 seeking a direction to the respondents for his appointment against the post in question pursuant to Advertisement No. 97/1998 but the writ petition was dismissed vide order passed on 13.9.2004 and even the intra Court Appeal preferred by the petitioner giving rise to L.P.A.No. 1016/2004 was also dismissed vide order passed on 11.10.2004 enclosed at Annexure 4. The Division Bench while dismissing the Letters Patent Appeal vide Annexure 4, however, granted liberty to the State Government to take a decision whether they would proceed for appointment on the basis of earlier advertisement or would be going for fresh advertisement. It is in the light of such liberty granted that the requisition has been issued and which has aggrieved the petitioner, who submits that the appointment should have been made in the light of the earlier advertisement. The issue raised is an absurdity for the petitioner having failed in the earlier round of litigation in seeking an appropriate direction which finally culminated in the order of the Division Bench at Annexure 4, he is again trying to seek the same relief through the present writ



petition.

There is no infirmity in the requisition impugned at Annexure 11 requiring interference. The writ petition is misconceived and is dismissed accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2017
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