

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.13 of 2017
IN
Civil Writ Jurisdiction Case No. 19716 of 2014**

- =====
1. Arun Kumar Singh son of Ramyash Singh resident of village - Belghat Balua, Police Station - Arrah Muffasil, District - Bhojpur.
 2. Ashok Kumar Yadav son of Raj Keshwar Yadav resident of village - Kauria, P.O. Hardia, P.S. Behia, District - Bhojpur.
 3. Indradeo Singh son of Srikant Singh resident of village - Khakho Bandh, P.O. Bharasara, Police Station - Behia, District - Bhojpur.
 4. Nandji Rai son of Jageshwar Rai resident of Village & P.O. Ganghar, Police Station - Arrah Muffasil, District - Bhojpur.
 5. Ramesh Kumar son of Fagu lal resident of village - Jawahar Tola, Police Station - Nawada, District - Bhojpur.
 6. Shambhu Nath Prasad Gond @ Saryu Kumar Gond son of Tarkeshwar Prasad Gond resident of village & P.O. Kalyanpur, Police Station - Behia, District - Bhojpur.
 7. Bimal Kumar son of Jagdish Singh resident of Moap Khurd, Police Station - Imadpur, District - Bhojpur.
 8. Suresh Kumar Yadav son of Rameshwar Ray resident of Village & P.O. Masadh, Police Station - Udwant Nagar, District - Bhojpur.
 9. Pankaj Kumar son of Binod Kumar resident of village + P.O. + P.S. West Nawada, District - Bhojpur.
 10. Shiv Kumar son of Late Braj Kishor Prasad resident of village + Post - Kulhariya, P.S. Koelwar, District - Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Public & Administrative Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Additional Collector, Bhojpur at Arrah.
6. The D.D.C., Bhojpur at Arrah.
7. The Establishment Deputy Collector, Bhojpur at Arrah.
8. The Nazarat Deputy Collector, Bhojpur at Arrah.
9. Manoj Kumar Yadav son of Ramadhar Yadav resident of Muhalla - New Shital Tola, P.O. Shivganj, Police Station - Nawada, District - Bhojpur.
10. Rajan Rajak son of Late Laldas Rajak resident of Village - Puldarapur Devi Asthan, P.O. Puldarapur, Police Station - Jakkanpur, District - Patna
11. Mukund Ram son of Shobha Ram resident of Muhallah - Pakari, P.O. Pakari, Police Station - Arrah Muffasil, District - Bhojpur.
12. Md. Akhtar Ansari son of Md. Halim Ansari resident of Muhalla - Suraudha Colony, P.O. & P.S. Koelwar, District - Bhojpur.
13. Nirmal Kumar Gupta son of Late Bihari Sah resident of C.K. Road Arrah, P.S. Arrah Town, District - Bhojpur.
14. Kedar Nath son of Late Prichhan Ram resident of village - Laxmanpur, P.O. Daulatpur, Police Station - Arrah Muffasil, District - Bhojpur.
15. Anil Kumar son of Late Chandrama Sharma resident of village/Muhalla -



- Mahadeva Road, Police Station - Arrah Town, District - Bhojpur.
16. Bidya Sagar Tiwary son of Suresh Tiwary resident of village + Post office - Chand - wa, Police Station - Arrah Muffasil, District - Bhojpur.
17. Rajesh Kumar son of Suraj Kumar resident of Muhalla - Gandhi Nagar Danapur, P.O. Digha, Police Station - Danapur, District - Patna.
18. Shashi Bhushan Chaudhary son of Dharam Raj Chaudhary resident of village - Keshopur Bakari, P.O. Karwa, Police Station - Udwant Nagar, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Subhas Singh, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma- AAG-3
Mr. S.K. Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-07-2017

Seeking exception to an order dated 15.12.2016 passed by the learned Writ Court in C.W.J.C. No.19716, this appeal has been filed under Clause 10 of the Letters Patent.

The petitioners sought a direction to the Collector, Bhojpur to appoint them in place of respondents 9 to 18 in a class 4 post from the panel of District Ummeedwar Peons prepared on 10.10.2013. The prayer was made based on certain action taken. The learned Writ Court went into various aspects of the matter in detail and found that in spite of repeated opportunities being granted and instructions issued, the petitioners did not furnish any proof with regard to their work and past experience and, therefore, as based on an enquiry report action was taken, no indulgence in the matter is called for. In fact, from para Nos.11 to 14 the learned Writ Court has



delved into the matter in the following manner:

“11. From the materials and submissions made, it is evident that adequate opportunity was given to the petitioners to make out a case of any infirmity in the qualification as well as the position, which was given to them in the panel. Since none of these petitioners furnished any work experience in terms of the press note published on 12.09.2012 and 16.09.2012, the respondent authorities had to take a final decision to complete the process in terms of the Advertisement No.1/2012-13.

12. The Court is satisfied that the only reason why these petitioners are making a hue and cry is because they themselves have failed to bring evidence and satisfy the respondents of the claims, which is sought to be made before this Court. The petitioners have not controverted the facts with regard to not submitting their objection and evidence within the timeframe after the paper publication and if that was so, they cannot be now rewarded by upsetting the final panel, which has already been notified and appointments made.

13. It is not a case that the earlier directive of the Court was not followed or ignored. The bona fide of the respondents, therefore, is not a suspect.

14. In the above given facts and circumstances, the Court is not inclined to give any relief to the petitioners by interfering with the panel so prepared and given finality to by making appointments, after the deliberations have been done in an open In view of the compliance reported by the respondent by disposing of the representation of the petitioner, no further action is required to be taken in the matter.

In case the petitioner has any grievance with regard to



the manner in which the representation has been decided, he shall have liberty to challenge the same afresh in accordance with law.

With the aforesaid, the application is disposed of by giving opportunity to one and all.”

We find no error in the same warranting re-consideration. However, learned counsel for the appellant tried to argue that after the press note was issued on 12.9.2012 and 16.9.2012, persons who had already applied, were directed not to apply by a subsequent order and merely because the petitioners have not applied, it does not mean that their right is curtailed or frustrated, we find that petitioners have not furnished any proof of their work experience and if the respondents have rejected their claim based on the same, no ground is made to make any indulgence in the matter.

Finding the appeal devoid of any substance, the appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	7.7.2017
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