

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1317 of 2014
IN
Civil Writ Jurisdiction Case No. 12142 of 2006**

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Niranjan Bhagat S/o Late Ram Bhagwan Bhagat, R/o village- Dhandiha, P.S.-
Koelwar, District Bhojpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Old Secretariat Building, Patna
3. The Secretary, Department of Revenue, Govt. of Bihar, Old Secretariat Building, Patna
4. The Commissioner, Patna Division, Patna
5. The District Magistrate, Bhojpur, Arrah
6. The Additional District Magistrate, Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Surya Nilambari, Advocate Mr. Harendra Prasad, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, A.A.G.-4 Mr. Sanjay Prasad, AC to A.A.G.-4

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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: 25-04-2017

Heard learned counsel for the parties.

Appeal is dismissed with an observation that as and when any advertisement is issued for filling up of any vacant sanctioned post on the post of Stenographer, which is a Class-III post, the appellant has freedom to apply and be considered, provided he fulfills the eligibility criteria in terms of the



advertisement. This order has been passed taking into consideration that even before this Court or before the Learned Single Judge, there is no element or evidence to show that there was any valid engagement by following due process of law by any authority under the District Magistrate, Bhojpur at Ara on the post of Stenographer, which is a Class-III post. The fallacy of such an assertion or prayer is further diluted by the fact that in the writ application itself, the appellant had filed an interlocutory application, namely, I. A. No. 5129 of 2014, seeking amendment in the writ application that he would be even satisfied if he was engaged on a Class-IV post as well.

The impugned order, dated 08.08.2014 is not required to be interfered with, except with the observation and leeway, which has been given to the appellant for participation.

Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.04.2017
Transmission Date	

