

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1140 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9353 of 2011**

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Mukesh Kumar Rai, S/o Late Ramawtar Mahto, Resident of Village- Aungari, Post Office- Aungari, Police Station- Aungari, District- Nalanda

.... Appellant/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resource Development, Government of Bihar, Patna.
3. The Director, Anugrah Narayan Sinha Institute of Social Studies, Patna.
4. The Registrar, Anugrah Narayan Sinha Institute of Social Studies, Patna.
5. Dr. Ajit Kumar Hansda, S/o Late Sri Subodhan Hansda, Resident of Village- Korapara (Mihijam), Post Office- Mihijam, Police Station- Mihijam, District- Dumka(Jharkhand).
6. Dr. Minaketan Behera, S/o Prafulla Chandra Behera, Resident of Village- Raitundi, Post office- Kendrapara, Police Station- Kendrapara, District- Kendrapara(Orissa).
7. Ms. Anuja, S/o Sri Punyanand Bhagat, Resident of Village- Krishna Ghat, P.O.- Patna University, P.S.- Pirbohar, District- Patna.
8. Awadhesh Kumar, S/o Late Sakaldeep Paswan, resident of village-Krishna Ghat, , P.O- Patna University, Police Station- Pirbohar, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Chandra, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2017

Delay in filing of the Letters Patent Appeal is condoned.

I.A. No. 4227 of 2016 stands allowed.

2. Seeking exception to an order dated 04.09.2015 passed by the learned Writ Court in C.W.J.C. No. 9353 of 2011 inasmuch as it directs for conducting the entire process of selection



afresh, this Letters Patent Appeal has been filed under Clause 10 of the Letters Patent and the only ground canvassed at the time of hearing was that the selection should be confined to the applications submitted by the original applicants. No fresh application should be invited and based on the applications received at the time of original selection the appointment should be made. Accordingly, limiting the prayer to the aforesaid effect, this writ petition has been filed.

3. We have considered the submissions made and we find that the selection process in question was held in the year 2010, it was completed in the year 2011 and finding certain irregularities in the selection process, particularly with regard to selection of Respondent No. 7 to be unsustainable the learned Writ Court has directed for conducting the entire selection afresh. In doing so, no error has been committed by the learned Writ Court. The prayer made by the appellant to limit the selection to the applicants who had submitted the application in the previous round of selection cannot be permitted now, for the simple reason that the selection process was initiated in the year 2010, now more than 7 years have passed and if we restrict the selection only to the applications received by the applicants at that point of time, it would be causing various impediments and practical difficulties. The interviews for selection were held in July, 2010 and the entire selection process was



completed sometimes in August 2010. That being so, we see no reason to accede to the prayer of the appellant to restrict the selection only to such of the candidates who were applicants when the selection process took place in the year 2010. We are not inclined to accede to the aforesaid request. The learned Writ Court after evaluating various aspects of the matter having directed for fresh selection, we see no error in the same warranting reconsideration.

4. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.04.2017
Transmission Date	

