

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.949 of 2014
IN
Civil Writ Jurisdiction Case No. 17222 of 2013**

- =====
1. Chandrabhushan, S/O Hare Krishna Singh, Resident of Mohalla - Buddha Colony Main Road, P.S. - Buddha Colony, District - Patna.
 2. Yogendra Prasad, S/O Ram Swaroop Singh, Resident of Mohalla - New Area, Jogiya Bagicha, P.S. - Civil lines, District - Gaya.

.... Petitioners-Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Home (Prison) Department, Government of Bihar, Patna.
3. The Inspector General (Prison and Reforms Service), Bihar, Patna.
4. The Director (Administration) Prison (Inspectorate), Bihar, Patna.
5. The Director, Karmshala (Jail), Prison and Reforms Services, Bihar, Patna.
6. The Secretary, Bihar Combined Engineering Competitive Examination Board, I.A.S. Bhawan, near Hawaii Adda, Patna.
7. Alok Kumar, S/O Sri Ramjee Singh, Roll No. 70386.
8. Md. Yunus Ali, S/O Md. Zabbar Ali, Roll No. 70224.
9. Nirmal Kumar S/O Shri Shyam Nandan Gupta Roll No. 70244.

All three i.e. respondent nos. 7 to 9 through the Inspector General (Prison and Reforms) Services, (Inspectorate) Home Department, Old Secretariat, Bihar, Patna.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Kripa Nand Jha, 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: 09-05-2017

Seeking exception to an order dated 16.04.2014 passed by the learned Writ Court in CWJC No.17222 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioners were candidates, who had applied for appointment on the post of Assistant Jail Superintendent/ Jailor in the State of Bihar. Pointing out various irregularities and further contending



that there has been serious illegality in the appointment, the writ petition in question was filed.

The learned Writ Court examined various aspects of the matter and found that the allegations made are baseless. That apart, it was found by the learned Writ Court that petitioner No.1 was a general category candidate, his name was at Serial No.31 of the merit list and only 30 vacant posts were available and, therefore, he cannot be appointed. As far as petitioner no.2 is concerned, it was found that he was making a claim for appointment in a category in extremely backward caste, whereas he belongs to the OBC category and he was not eligible for appointment against that category. A detailed order has been passed by the learned Writ Court pointing out that the petitioners have miserably failed to point out any specific instance of illegality or irregularity in the process of selection and finding the petitioners not eligible to claim any benefit, the writ petition has been dismissed.

We have gone through in detail the order passed by the learned Writ Court and the report of the enquiry committee, which caused an enquiry into the matter, i.e. Annexure-A to the counter affidavit filed on behalf of respondent nos.2 to 5 in the writ petition and the reproduction of the same by the learned Writ Court and we are of the considered view that in dismissing the writ petition, challenging the process of appointment initiated in the year 2013, the learned Writ



Court has not committed any error warranting reconsideration. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
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