

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1469 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1026 of 2014**

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Devendrajee S/o Late R.S.P. Mehta, Resident of Village- Patepur, Gopinath, P.S.-
Pusa, District- Samastipur

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Patna
2. The Director (Higher Education), Government of Bihar, Patna
3. The Deputy Director (Higher Education), Human Resources Development Department, Govt. of Bihar, Patna
4. The Director-Cum-Chairman, Rural Institute, Birauli, District- Samastipur
5. Sri Chandeshwar Prasad, S/o Late Sukhdeo Bhagat, At present working as Steno-Typist, Rural Institute, Birauli, District- Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. D.K. Singh, Sr. Advocate

For the Respondent/s : Mr. Alok Verma, A.C. to S.C. 17

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-06-2017

Delay of 7 days in filing of this appeal is condoned. I.A.

No. 6497 of 2015 stands allowed and disposed of.

2. Seeking exception to an order dated 21.04.2015 passed by the learned Writ Court in C.W.J.C. No. 1026 of 2014, this appeal has been filed under Clause 10 of the Letters Patent.

3. The writ petition was filed challenging the appointment of Respondent No. 5 who was working as a Steno Typist in the Rural Institute, Birauli, District- Samastipur. The learned Writ



Court after evaluating various aspects of the matter found that a long drawn battle has been held and the appellant had been challenging the appointment of respondent as a Clerk cum Typist right from 03.09.1997 and finally the learned Writ Court recorded the following reasons for not interfering into the matter:-

“One thing is evident that the appointment of the private-respondent was made way back in the year 1997. More than 18 years have gone past since such selection and appointment. Over the period of 18 years many a things have emerged even against the petitioner. The various roles, which the petitioner has to shoulder, his appointment in other organizations, different dates of birth in different matriculation certificates and a series of criminal cases filed against him. All these facts may led to the conclusion that the petitioner has many facets to his personalities. But surely that is not good enough for this Court to strike down the selection of the private-respondent or giving any direction in favour of the petitioner for consideration. There could be an element of personal vendetta for which the petitioner is pursuing the matter, but the Court cannot reach out to him when his own hands are not clean and all these facts have only emerged when the respondents have filed a detailed counter affidavit, which is not even denied by the petitioner.

With the baggage, which the petitioner is carrying does not beget him a right for such



appointment. Since, there is no aggrieved person, besides the petitioner with regard to the selection of the private-respondent, the Court, therefore, is not inclined to exercise its discretion to interfere with Annexure-10.

Writ application is dismissed for the reasons indicated above.”

4. Keeping in view the aforesaid reasons that weighed with the learned Writ Court and considering the discretion exercised by the learned Writ Court in the matter, as is evident from the reasons given hereinabove, we see no reason to make any indulgence into the matter.

5. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.07.2017
Transmission Date	

