

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1196 of 2015

In

Civil Writ Jurisdiction Case No.3147 of 2015

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Md. Afsar son of late Naseeruddin, resident of village- Tariyama, P.S. Simri
Bakhtiarpur, District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Personal and Administrative Reforms Department,
Government of Bihar, Patna
3. The Commissioner Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Collector, Establishment, Saharsa.
6. The Sub-Divisional Officer, Simri Bakhtiarpur, Saharsa.
7. The Deputy Collector Land Reforms , Simri Bakhtiarpur, Saharsa.
8. The District Employment Officer, Saharsa
9. The Deputy Director, Employment, Koshi, Division, Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Siyaram Sahi, Advocate

For the Respondent/s : Mr. Samir Kumar, A.C. to S.C. 16

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-10-2017

Seeking exception to an order dated 24.04.2015
passed by the learned Writ Court in C.W.J.C. No.3147 of 2015,



this appeal has been filed under Clause 10 of the Letters Patent.

In the year 1997 a process was initiated vide Advertisement No. 33/1997 in the district of Saharsa for filling up and regularizing post of Jeep Driver. 131 applications were received and the appointments were made. However, it was the case of the applicant that he had also submitted the application which was posted by him on 24.12.1997 but on the ground that the employer did not receive the application, his claim was not considered.

The learned Writ Court examined all these aspects and found that if the applicant was not vigilant enough and in pursuance to the advertisement which was issued on 14.12.1997 if he had submitted the application just a day before the last date, he cannot blame the respondents and seek appointment.

Having considered the submissions made, we find that the appointments were made in the year 1997 after advertisement was issued. Seven incumbents have been appointed and now after such a long period of time without impleading any of the selected candidate no indulgence can be made into the matter merely because the District Magistrate decided the representation on 18.11.2014. In the facts and circumstances of the case, we see no reason to make any



indulgence into the matter as the learned Writ Court has passed a reasonable order which does not call for any interference.

The Letters Patent Appeal is, accordingly, disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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