

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16013 of 2017

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Manoj Kumar Son of Sri Nawal Kishore Singh serving as Senior Section Officer (Accounts) under Senior Divisional Finance Manager, East Central Railway Sonepur & Residing at Railway Quarter No. 315 A, Gola Road Colony, Sonepur, P.O. - Sonpur, District - Saran, Pin : 841101.

.... Petitioner

Versus

1. The Union of India through the General Secretary, East Central Railway, Hajipur, Vaishali.
2. The Finance Advisor & Chief Accounts Officer, East Central Railway, Hajipur, Vaishali.
3. The Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate

For the Railways : Mr. Amresh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-11-2017

Heard learned counsel for the petitioner and
learned counsel for the Union of India.

Dismissal of the O.A. No. 805/2015 by the
Central Administrative Tribunal, Patna Bench, Patna
(hereinafter referred to as the "Tribunal"), vide order dated
03.05.2017 is the reason for filing the present writ
application.

The reason for rejection of the O.A. is based on
the principle which has been dealt with in paragraph-7 of the
said order, which is reproduced hereinbelow:



“7. Before parting with the judgment, we would like to keep on record the settle position of law as has been enunciated by the Hon’ble Supreme Court in the case of **Sadanand Halo and Others vs. Momtaz Ali Sheikh and Others**, [2008] 4 Supreme Court Cases 619, wherein Their Lordships have observed that it is also settled position that the unsuccessful candidates cannot turn back and assail the selection process though there are of course exception carved out by the Hon’ble Apex Court to this general rule as has been reiterated in the case of **Union of India vs. S. Vinodh Kumar** [2007] 2 Supreme Court Cases [Labour and Services] 729. No infirmities noticed for intervention. Hence ordered.”

Even from the narration of facts, it seems that despite opportunity having been given by the High Court for participation in the selection in question, the petitioner has failed to make the grade and, therefore, he is nit picking now for the sake of argument, which is not permissible in law.

There is no infirmity in the order of the Tribunal which requires rectification. This Writ Application is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	23.11.2017
Transmission Date	NA

