

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1747 of 2014

IN

Civil Writ Jurisdiction Case No. 3383 of 2013

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Subodh Pandit, son of Kapildeo Pandit, Resident of Village- Bikrampur, P.S.
Kazara, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Jamui, namely Mr. Shashi Nath Tiwary

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girjanand Prasad, Advocate
Mr. Arun Kumar Lal, Advocate

For the Respondent/s : Mr. Alok Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 30-06-2017

From the show cause and the additional affidavits filed by the petitioner and on a perusal of the supplementary show cause filed by the respondents, it is clear that according to the respondents, petitioner did not come within the zone of consideration and, therefore, they have not granted appointment to him. However, in the meanwhile several writ petitions and contempt applications were filed and in pursuance to the specific directions issued in these proceedings certain persons have been appointed who now are shown to be junior to the petitioner.

If that be so, petitioner is also required to challenge the action of the respondents and seek a mandamus from a court of competent jurisdiction seeking his appointment. Merely because in



pursuance to certain orders passed in some other writ proceedings some persons have been appointed, in these contempt proceedings, when the order in the writ proceedings was only to consider and decide the claim of the petitioner, no order can be issued in the form of a mandamus for grant of appointment to the petitioner.

In case the petitioner feels that persons junior to him have been granted appointment by virtue of orders of this Court in various writ petitions and other proceedings, the petitioner can also approach the Court and seek a mandamus, but now in the light of the order passed in the writ petition, which was only to consider the case of the petitioner, it would not be appropriate to issue any direction for appointment.

With the aforesaid liberty, this application is disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
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