

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1848 of 2016

IN

Civil Writ Jurisdiction Case No. 2354 of 2013

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Ranjit Kumar, Son of Sri Kamleshwari Yadav, Resident of Village:- Salaiya, P.S:-
Barhat, District:- Jamui.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The District Education Officer, Jamui.
4. The Block Development Officer, Barhat, Jamui.
5. The Block Education Officer, Barhat, Jamui.
6. Mukhiya, Gram Panchayat Raj, Barhat, District:- Jamui.
7. The Panchayat Secretary, Gram Panchayat Raj, Barhat, District:- Jamui.
8. The District Teacher Employment Appellate Tribunal, Jamui.
9. Ravi Prakash, Son of Ganesh Shanker Vidyarthi, Resident of Village:- Amari, P.S:- Khaira, District:- Jamui.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Sinha

For the Respondent/s : Mr. Sanjay Kumar Giri- GP-9

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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: 14-12-2017

Having heard learned senior counsel for the appellant, the primary reason, why this court is not willing to interfere with the order passed by the learned Single Judge dated 16.08.2016, is that the vacancy created due to ouster of the appointee will not automatically prove to the present appellant as a matter of right, even otherwise, the rules and eligibility conditions for such recruitment has undergone a change. The said vacancy, as and when advertised, will be



filled up in due course only. If this appellant is found to be eligible can always apply for consideration, but the vacuum cannot be filled up on the basis of a mandamus under the circumstances under which the vacancy occurred.

The appeal, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CA V DATE	NA
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