

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.489 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 6223 of 2014

=====

1. Chandan Kumar Gupta Son of Late Jaidev Prasad, Resident of Mohalla Lal Darwaza, Post Office, Munger, Police Station - Kotwali, District - Munger.
2. Sukh Sagar Prasad Yadav, Son of Late Madhusudan Prasad Yadav, Resident of Mohalla Lal Darwaza, Post Office - Munger, Police Station - Kotwali, District - Munger
..... Appellant/s

Versus

1. The State of Bihar through the Secretary, Home (Police) Department Bihar, Patna.
2. The Director (Prosecution) Bihar, Patna.
3. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna
..... Respondent/s

=====

Appearance:

For the Appellants: Mr. Chandan Kr Gupta(Appellant no.1 in person)
For the Respondents: Mr. Dhurendra Kumar, AC to GP 5.
For the BPSC: Mr. Sanjay Pandey, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-07-2017

There seems to be a complete lack of understanding of law which is being urged at the Bar on behalf of the appellant no. 1, who is appearing in person.

He was a candidate who appeared in the examination for appointment on the post of Assistant Public Prosecutor along with his colleague appellant no. 2 in the examination held in the year 1989-90.

Learned Single Judge dismissed the Writ Application, primarily on the ground that since appointments have already been made against the said advertisement and recruitment process completed more than 24 years ago, the issue is not required to be gone into now at such a belated stage, especially when many more



examinations for recruitment thereafter have been held.

What the Court could gather from the submission of the appellant in person was that the respondent authorities cannot de-reserve the reserved posts for three consecutive examinations and since both of them belong to Backward Category candidate they should have been considered for appointment three consecutive examinations.

The absurdity of such submission is evident from the non-understanding of the principle that the carry over concept of reservation means addition of vacancies in the subsequent examinations and it does not mean that a candidate, who was hopeful in the previous examination and did not make it, would be required to be given an opening even though he never participated in any subsequent examination in that category.

The appeal is totally misplaced as to the ground on which it has been preferred. The same deserves to be dismissed. No interference is warranted with the order of the learned Single Judge.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.07.2017
Transmission Date	N/A

