

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14522 of 2016

- =====
1. Manoj Kumar Rajak son of Kisan Rajak resident of Village Jajhat Sabaila, Post Office and Police Station Singheshwar, district Madhepura.
 2. Gagan Kumar son Parmanand Kumar Mandal resident of Village Majarhat, Post Office Majarhat, Police Station Singheshwar, District Madhepura.
 3. Dilip Kumar Ram son of Chandeshwari Ram resident of Village Jibachhpur, Post Office Rupauli, Police Station Gamhariya, District Madhepura.
 4. Bhupendra Ram son of Maheshwari Ram, resident of Village Belha Ghat, Post Office Tulsibari, Police Station Madhepura, District Madhepura.
 5. Krishna Ballabha Kumar son of Prahlad Prasad Yadav, resident of Village Gadhiya, Post Office Balam, Police Station Madhepura, District Madhepura.
 6. Dilkush Kumar son of Triveni Sharma resident of Village Narhi, Post Office Murho, Police Station and District Madhepura
 7. Shiv Shankar Kumar son of Harihar Narayan Sah, resident of Sought of Khadi Bhandar, Main Road, Subhash Chowk, Madhepura, P.S. and District Madhepura
 8. Amit Kumar Anand son Rajendra Prasad Yadav, resident of Village Bhawnipur, Post Office Bhawanipur, P.S. Singheshwar, District Madhepura
 9. Dharamendra Sardar son of late Kartik Sardar, resident of Village Guru Tara, Post Office- Lalpur, Police Station- Singheshwar, District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The State Project Director, Bihar Education Project Council, Patna 800004
3. The Administrative Officer, Bihar Education Project Council, Patna 800004
4. The District Education Officer, Madhepura
5. The District Programme Officer, Establishment, Madhepura
6. The District Programme Officer, Primary Education and Sarb Siksha Abiyan, Madhepura.
7. The Senior Deputy Collector, Madhepura.

.... Respondent/s

=====



Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the petitioners, State and respondents no. 2 and 3.

2. The petitioners have moved the Court for the following reliefs:

“(i) For issuance of appropriate writ/writs, direction/directions, order/orders commanding the respondents to act upon the Final Selection List/Final Result Published dated 27.08.2015 and appoint the petitioners as despite provisional and thereafter final result, till date respondents have not issued the appointment letter since more than one year, whereas the petitioners are waiting for the same after finding name under the aforesaid final result.

(ii) For grant of any other relief/reliefs for which the petitioners may be found entitled under the law.”

3. At the very outset, without going into the merits, learned counsel for the petitioners submitted that the engagement/selection/appointment was only for one year on contractual basis. It was submitted that final list published on



27.08.2016 and almost two years having elapsed, the period is now over. It was further submitted that after that, since the Government has taken a decision that due to financial constraint, the recruitment on such post would remain stayed, as they were validly selected but not appointed on a frivolous and flimsy ground, the Court may grant them some indulgence so that their interest is protected in future.

4. Having regard to the aforesaid, as the petitioners do not stand disqualified from being appointed in future and further that their appointment in terms of the final list published on 27.08.2015 cannot be said to be illegal, the authorities could have appointed the petitioners validly without there being any bar in law. However, at the same time, since it is for the employer to decide as to whether he wants to fill up the posts, the State Government taking a categorical stand that, as of now, their financial condition does not permit such engagement, the writ petition stands disposed off with the observation that in future, if the Government proposes to make recruitment/selection/appointment on the posts in question, the petitioners shall also be given opportunity to take part in the said selection process and the authorities shall take into consideration the fact that in the selection of the year 2015, they were successful.

5. Let the petitioners serve a copy of this order on respondent no. 6 so that he is aware of the present order. He shall also



ensure that the petitioners are given their due in future when recruitment to the said posts starts once again.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

