

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1318 of 2016

=====

Anil Kumar, son of Shri Narayan Sharma, resident of Mohalla- Anandpuri,
Bibiganj, Police-station Brahmpura, District- Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Secretary, Rural Development Department, Government of Bihar, Patna
3. The Bihar Rural Development Society, Rural Development Department,
Government of Bihar, Main Secretariat, Patna- 800015 through its Chairman
4. The Chairman, Bihar Rural Development Society, Rural Development
Department, Government of Bihar, Main Secretariat, Patna- 800015
5. The Officer on Special Duty, RDD Cell, I.A.S. Association Building, Near
Airport, Patna- 800014

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Navendu Kumar, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Seeking exception to an order dated 2.5.2016 passed by
the learned Writ Court in C.W.J.C. No.9684 of 2011, this appeal has
been filed under Clause 10 of the Letters Patent.

In pursuance of a vacancy advertised under the Mahatma
Gandhi National Rural Employment Guarantee Act (MNREGA)
Scheme, Bihar, a selection process was conducted and in the
selection process when the petitioner was not selected, the writ
petition was filed. After considering the documents and after going
through the material that came on record, the learned Writ Court
recorded an opinion that there are serious disputes on facts as to



whether the petitioner did produce the documents which were relevant for seeking appointment to the post in question and finding that this question cannot be adjudicated in a writ petition, dismissed the writ petition after recording the following finding:

“The Court is of the opinion that only on such submission, the Court may not draw an inference that petitioner had produced certificates, whereas **Annexure B/1** to the supplementary counter affidavit, categorically speaks regarding production of documents by number of candidates for its verification. However, in the column of petitioner and other some candidates, it is blank. Meaning thereby that such documents were not produced. Moreover, such disputed question of fact may not be examined by his Court while exercising writ jurisdiction.

Accordingly, I do not find any ground to pass any favourable order.

The petition stands dismissed.”

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.5.2017
Transmission Date	N/A

