

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1808 of 2016

IN

Civil Writ Jurisdiction Case No. 5337 of 2014

- =====
1. Shiv Narayan Mandal son of Late Mangal Mandal resident of village - Kailu Tola Sukhsena, Block - Barhara Kothi, P.S. - Barhara, District - Purnea.
 2. Pawan Thakur @ Pawan Kumar Thakur son of Sri Sumrit Thakur resident of Village/Mohalla - Gulela Bhitta, Block and P.S. - Barhara Kothi, District - Purnea.

.... Appellants

Versus

1. The State of Bihar through the Commissioner cum Principal Secretary Department of Education/Human Resources Development Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer cum District Programme Coordinator, Purnia.
4. The Range Education Officer, Banmankhi, Purnia.
5. The Block Education Extension Officer, Barhara Kothi, Purnia.
6. The Mukhiya, Gram Panchayat Sukhsena, Purnia.
7. The Panchayat Secretary, Gram Panchayat Sukhsena Block - Barhara Kothi, Purnia.
8. The Headmaster, Primary School, Chat Tola, Block - Barhara Kothi, District - Purnia.
9. Jay Prakash Sharma son of Late Bhuneshwar Sharma resident of village and P.O. and P.S. Barhara Kothi, District - Purnia.
10. Santosh Kumar (since dead) son of Shri Sumrit Thakur resident of Village - Gulela Bhitta, Block and P.S. - Barhara Kothi, District - Purnea.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Amit Kumar Anand

For the Respondent/s : Mr. Md. Nashrul Hoda Khan, SC-1

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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

After having heard learned counsel for the appellants, learned counsel for the State and learned counsel for the private respondent No.9 and keeping in mind that respondent No. 9 has now superannuated, the challenge thrown



to his appointment at this stage is a futile exercise now. Since the rules of recruitment and eligibility has undergone a change and the appointment in question related to the year 2006, if there is any hope for the appellants to be appointed or recruited, in any vacancy caused, is a misplaced expectation to have, because those vacancies has now to be filled up only according to the rule, which is subsisting now.

The appeal, in the above view, is dismissed. No interference is warranted with the order of learned Single Judge.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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