

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2056 of 2016

In
Civil Writ Jurisdiction Case No.3836 of 2016

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1. Reshami Rays son of Sidheshwar Prasad Singh resident of Village- Dharampur, P.O.- Utterrhu, P.S.- Bind, District- Nalanda, Bihar 803107.
 2. Akhileshwar Kumar son of Bishwanath Prasad AT Pyarepur (Pal Tola), P.O.-Barauli, District-Gopalganj, Bihar-841405
 3. Arbind Kumar son of Ashok Rajak AT Dhelwan, P.O.-Dhelwan, Patna, Bihar-800020
 4. Ranvijay Kumar son of Virendra Prasad Kazi Bazar, Bihari Road, Hilsa, Distt.-Nalanda, Bihar-801302
 5. Amritanshu Ranjan son of Baidyanath Mahto R/o Village- Sakara Faridpur, P.O.- Dholi, P.S.- Sakra, District- Muzaffarpur, Bihar- 843105..
 6. Avinash Kumar son of Shiv Ram Singh H.No.-21, Road No.-10, East Patel Nagar, Patna-23
 7. Achhe Lal Prasad son of Ram Swarup Prasad Village- Gularbaha, P.O. Songarwa, P.S.- Phulwaria, District- Gopalganj, State Bihar- 841425.
 8. Lalan Kumar son of Dasnarayan Singh VPO Noawan, P.S.- Asthawan, Distt.-Nalanda, Bihar-803107
 9. Diwakar Kumar Choudhary Son of Kaushal Kishor Choudhary at and P.O.- Paraul, Via- Kaulahi, P.S.- Arer, Madhubani, Bihar- 847229.
 10. Md. Ershad Ahmad son of Md. Izhar Haque At Izharchak, P.O. +P.S.-Narhat, Dist.-Nawada, Bihar, PIN-805122
 11. Gautam Kumar Das son of Ramawatar Das Bahadur Nagar Pachahari Tola, P.O.- Kutlupur, District- Munger, Bihar.
 12. Hari Mohan Singh son of Sri Madhu Sudan Singh C-179/259-S, Shail Bhawan, New Shivpuri Colony, Betiahata South, Gorakhpur (Uttar Pradesh)-273016
 13. Md. Hasnain Yunus son of Md. Yunus AT-Baro Naya Tola, P.O.- Baro, District-Begusarai, Bihar, PIN-851118



14. Shyam Kumar Choudhary son of Bindeshwar Choudhary At Kathat Dhaura, P.O. Katrasgarh, District- Dhanbad (Jharkhand) PIN- 828113.
15. Jyoti Kumar son of Kanhaiya Rajak Chanakyapuri Colony Garikhana Khagaul, Patna-801105
16. Kanchan Jha D/o Raj Kumar Jha at and P.O.- Paraul, Via- Kaulahi Paraul, Madhubani, Arer, Bihar- 847229.
17. Prakash Kumar son of Ram Subhag Singh Surya Colony, Kaju Baghan, West End Park, Ratu Road, Ranchi-834005
18. Rajeev Kumar Raju son of Indra Narayan Mandal Laxmipur Mohalla, Ward No.-16, P.O.-Madhepura, District-Madhepura, Bihar, PIN-852113
19. Reena Kumari D/o Ram Dayal Singh Vaishnav Vihar, House No.- 02, Ashiana Nagar, Patna-800025
20. Dheeraj Kumar son of Ishwar Lall 403, Artek Apartment Ashiyana Road, P.O.-B.V. College, Patna-14
21. Rakesh Ranjan Mehar son of Prakash Ranjan Mehat Dant Bigha, Near N.M.C.H., P.O.-B.H. Colony, Patna-26
22. Arun Kumar Akela son of Shobha Kant Roy AT-Mangrouna, P.O.-Gonouli, Via-Andhara Thadhi, Distt.-Madhubani, Bihar- 847401
23. Shrikant son of Birju Rajak Village and P.O. Naubatpur, Venue, Pachim Bhar, District- Patna, Bihar 801109.
24. Ankuar Nishant son of Ram Suresh Rajak Mustafabad Near Devi Mandir, Gaya, Bihar-823001
25. Dhananjay Kumar son of Wakil Manjhi Village Parshurampur, P.O.- Mastichak, P.S.- Dariyapur, District- Saran, Bihar, 841219.
26. Manish Kumar son of Bhuneshwar Prasad Sinha MIG 231, Hanuman Nagar, Kankarbagh, Patna-20.
27. Kumar Mukesh Nandan son of Shri Bachchan Kumar Sinha New Area, Dehri-On-Sone, Dalmianagar, Rohtas, Bihar-821305
28. Vinay Prakash son of Sri Sheo Pujan Prasad Akharaghat Nazirpur, East of Gyatri Mandir, Bank Colony, Muzaffarpur- 842002



29. Satya Prakash son of Chandrika Mistri Kusumpuram, Bailey Road, Near Shiv Mandir, Nahar Par, Danapur Cantt. Patna-801503

... .. Appellant/s

Versus

1. The Bihar State Power (Holding) Company Ltd. through its Chairman cum Managing Director, Vidyut Bhawan Patna.
2. The Chairman-cum-Managing Director, Vidyut Bhawan, Patna.
3. The Director (Administration) Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Patna.
4. The General Manager Human Resources Department Bihar State Power Holding Company Ltd Vidyut Bhawan Patna.
5. The Managing Director, Bihar Power Distribution Company Ltd. Vidyut Bhawan, Patna.
6. Yogesh Ranjan, Age about 25 Years, S/o Shri Ram Sahay Roy
7. Lokesh Ranjan, age about 25 years S/o Shri Ram Sahay Roy both are Resident of Sourangpur Yadav Nagar Lalu Path New Bypass Ram Krishn Nagar Khemnichak P.O GPO PS. Kankarbagh District Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md.Imteyaz Ahmad, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-04-2018

Apart from the fact that the defects pointed out by the office have not been rectified and there is a delay of 117 days in filing of the appeal, we find that in a matter of appointment of I.T. Managers, for various reasons as are indicated in the order passed, the respondent Power Company found it appropriate to withdraw



the selection process and start it afresh in view of the various illegalities committed.

In holding that no error has been committed by the respondents in doing so and dismissing the writ petition on such consideration, learned Writ Court has not committed any error warranting re-consideration. Merely because the appellant was a contender for the post in the selection process, no right accrued to the appellant as mere empanelment and selection gives no right to the concerned person to seek appointment and the employer is well within its right in annulling the selection process and, for reasons to be specified, doing it afresh.

In view of the above, the order passed by the learned Writ Court does not warrant re-consideration.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.04.2018
Transmission Date	

