

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12423 of 2016

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Aditya Narayan Pandey State President STET Pass Candidate Organization Son of
Shyam Nandan Pandey Resident of B - 51 Housing Colony Kankarbagh, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary Human Resources Development Department Govt. of Bihar, Patna
3. The Director Secondary Education Govt. of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Respondent/s : Mr. SMT. SHILPA SINGH- GA12
Mr. Neetughaj. A.C. to G.A.12.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-05-2018

Heard learned counsel for the petitioner and counsel appearing
on behalf of the State.

The grievance of this petitioner in the present writ petition is
that the respondent after inviting application has cancelled the
selection process without any cogent reason. Earlier the selection
process was stopped in view of the model code of conduct. Later on
the respondent-Director has taken decision to cancel the entire
selection process.

Counsel for the petitioner submits that the vacancies are
available, eligible candidates are also available but the respondents
have cancelled the selection process in the mid way without assigning



any reason. Such action of the respondent is unreasonable, particularly when they have not assigned any justifiable reason for cancellation of selection process. The Court is not in a position to issue any positive direction in favour of the petitioner as it is prerogative the employer to make appointment, there are many factor which weigh in the process of selection. Mere availability of the post is not enough to issue direction to the respondent to fill up the post. However, the Court finds substance in the grievance of the petitioner that inviting application and cancellation of the selection process in the mid way without any justifiable reason amounts to public relation exercise with the respondent are supposed to avoid. Respondent-Director is well advised to take steps for regular appointment and once they advertised the post they must take selection process to its logical end. In future, whenever they issue advertisement they are suppose to complete the selection process and make appointment in accordance with law.

With the aforesaid direction, this writ petition is disposed of accordingly.

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

(Anil Kumar Upadhyay, J)

