

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.659 of 2018
IN
Civil Writ Jurisdiction Case No. 911 of 2015**

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Tara Kant Sinha, Son of Sri Bhupendra Narain Sinha, resident of Mohalla- Nakki Nagar (Kayasth Tola), P.O. & P.S.- Jamalpur, District- Munger.

.... Appellant/s

Versus

1. The Registrar (Administration), Patna High Court, Patna.
2. The District & Sessions Judge, Nalanda, Bihar Sharif .
3. The Judge Incharge (Administration), Nalanda, Bihar Sharif.
4. Babloo Kumar, Son of Sri Lakhan Prasad, resident of Mohalla-Naisarai, Post-Bihar Sharif, District- Nalanda, presently working as Sweeper, Civil Court, Bihar Sharif.
5. Manju Devi, Wife of Sri Balam Dom, resident of Mohalla- Saida Bazar (Kali Asthan), P.O. & P.S. -Hilsa, District- Nalanda.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Sinha

For the Respondent/s : Mr. Piyush Lall

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 17-07-2018

Challenge in the present Letters Patent Appeal is to the order dated 19.04.2018 passed in Civil Writ Jurisdiction Case No.911 of 2015 by which the learned Writ Court has refused to quash the letter bearing no.1777/13 dated 13.05.2013 issued by the District & Sessions Judge, Nalanda, Bihar Sharif. It appears that vide impugned letter the District & Sessions Judge, Nalanda had communicated the merit list and waiting list for the post of Sweeper pursuant to the advertisement no.1/12 to the Hon'ble Patna High Court for its



approval. The petitioner has also prayed for quashing of letter no.7003 dated 18.05.2013 issued by the Registrar (Administration), Patna High Court whereby the approval of the Hon'ble Patna High Court to the merit list and waiting list for the post of Sweeper has been communicated to the District & Sessions Judge, Nalanda.

2. It appears that the petitioner has been challenging the selection of respondent no.4 on the post of Sweeper and empanelment of respondent no.5 in the waiting list as according to the petitioner appointment and empanelment of respondent nos.4 and 5 respectively are against the terms and conditions of advertisement. Petitioner has also prayed for a direction to the respondent authorities to appoint him on the post of Sweeper in the Civil Court, Nalanda at Biharsharif.

3. The learned Writ Court took note of the entire facts and circumstances of the case and found that the advertisement does not require furnishing any document in support of experience of the candidate, therefore the fact that the respondent no.4 left column-11 blank cannot confer any benefit to the petitioner. The learned Writ Court found that there was specific stand of the respondent High Court that the marks have been awarded on the basis of the performance of the candidate at the interview. Thus, merely because the petitioner has produced the certificate in support of his claim of



experience cannot put him in a better position than the respondent no.4 as no such certificate was required in the process of selection.

4. The learned Writ Court has found that there is no allegation of violation of any statutory rules in the matter of appointment of respondent no.4 and there being no allegation of malafide, merely on a doubt expressed by the petitioner it would not be just and proper to accept the contention of the petitioner.

5. Having gone through the entire records and the materials available thereon, we find no reason to interfere with the impugned order of the learned Writ Court.

6. This Letters Patent Appeal has no merit. It is dismissed accordingly.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
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