

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3202 of 2015

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1. Binay Kumar Pandey Son of Ram Nath Pandey Resident of village - Barka Dumara, P.S. Ara Muffasil, District - Bhojpur at Ara
 2. Ashish Pandey Son of Sri Keshaw Pandey Resident of village - Barka Dumara, P.O. Barka Dumara, P.S. Ara Muffasil, District - Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna.
3. The Under Secretary, General Administration Department, Government of Bihar.
4. District Magistrate, Bhojpur at Ara.
5. The Additional District Magistrate Establishment, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Advocate

For the Respondent/s : Mr. Manoj Kumar, AC to GP4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioners and the respondent State.

2. Petitioners have filed the writ petition seeking a direction upon the respondents to consider his appointment to the post of peon pursuant to Advertisement no. 1 of 2012-13 dated 09.05.2012.

3. The admitted case of the petitioners, as per the pleadings made in the writ petition is that both the petitioners were figuring in the panel at serial no. 189 and 190. It is admitted case that only 185 persons have been appointed. The petitioners were thus beyond the



zone of consideration. Though he has referred to an advertisement inviting objections against the provisional panel prepared pursuant to which the selection has been made, there is no averments in the case that they have filed the objection after the provisional panel was prepared. Also the petitioners have not impleaded any person from the 185 selected candidates so as to challenge the appointments made. Today it is submitted that the vacancies still exist and the petitioners should be considered against the existing vacancy.

4. This Court is of the opinion that it is for the respondent authority to examine the claim of the petitioners with reference to future vacancies, and if any process is conducted in future. Consideration shall be subject to petitioners’ eligibility.

5. No orders can be passed in the instant writ petition as the petitioners have not been able to make out any case.

6. The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

