

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1501 of 2016
IN
Civil Writ Jurisdiction Case No. 4193 of 2016**

- =====
1. Ram Nath Thakur son of Shiv Shanker Thakur, R/o village+P.O-Indrawa, P.S-Parihar, Dist-Sitamarhi.
 2. Shatrughan Singh son of Ram Sanehi Singh, R/o Village+P.O-Manapur, P.S-Bela, Via-Parihar, District-Sitamarhi.
 3. Rakesh Mohan son of Jugannath Prasad Verma, R/o Mohalla-Rishika Computer Center, Rayez Market, Parihar, Sitamarhi.
 4. Sobha Kumari wife of Anil Kumar, R/o village-Parihar, Sonapatti Tola, P.O+P.S-Parihar, Distt-Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, (Additional Mission) the Bihar Administrative Reform Mission Society (General Administrative)Bihar, Patna.
2. The Additional Mission Director, the Bihar Administrative Reform Mission Society (General Administrative)Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Additional Collector (Establishment)Sitamarhi.
5. The District Information Technology Manager, Sitamarhi.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Sri. Nandan Pd. Singh, Sr. Adv.
Mr. Devendra Kumar, Adv.

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 21-06-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 23.06.2016 passed by the learned writ Court in C.W.J.C No.4193 of 2016 by which the learned writ Court has refused to interfere with the advertisement issued on 18.02.2016 (Annexure-1 to the writ application) seeking applications for a post known as Executive Assistant.

2. Learned counsel for the appellants submits that the learned writ Court could not appreciate that a panel was earlier prepared in the year 2010, the



names of these petitioners-appellants finds place in the said panel, appointments were being made by the respondents from the said panel till just before issuance of the advertisement and, therefore, the writ petitioners had also got an indefeasible right to be considered for appointment against the vacant posts.

3. We are afraid, the contention on behalf of the appellants is to be noted only for the purposes of rejection. The learned writ Court has not committed any error in rejecting the writ application in the facts and circumstances of the present case where appointments were being made from a panel prepared in the year 2010. If the respondents have come out with a fresh advertisement to fill up the existing vacant posts of the Executive Assistant, the action of the respondents is in accordance with law and need no interference.

4. This Letters Patent Appeal has no merit and is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
CAV DATE	
Uploading Date	29.06.2018
Transmission Date	N/A

