

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.537 of 2017
IN
Civil Writ Jurisdiction Case No. 1190 of 2015**

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Suresh Prasad Sharma Son of Late Mohanlal Sharma, Resident of Village-Bindwara (Sharma Toli), P.S.- Kashim Bazar, District- Munger.

..... Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Munger.
2. The Deputy Collector (Establishment), Munger Collectorate, Munger.
3. The Deputy Collector (Nazarat), Munger Collectorate, Munger.
4. The District Employment Officer, Munger, Fort Area, Munger.

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suman Kumar Mishra, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma-AAG3

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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: 09-04-2018

Challenging the judgment dated 21.2.2017 passed by learned Writ Court in C.W.J.C. No.1190 of 2015, the petitioner-appellant is in this intra-court appeal, learned Writ Court has refused to exercise its writ jurisdiction under Article 226 of the Constitution of India at the instance of the petitioner, who was seeking quashing of a panel dated 9.8.2012 prepared by the then District Employment Officer, Munger as according to the petitioner the panel had been prepared and appointments have been made there from by committing several irregularities in the matter of appointment of a Class-IV



employee. The petitioner also sought for inclusion of his name in the panel.

The learned Writ Court found that there was an advertisement for appointment of Class-IV employees vide Advertisement No.1 of 2000 dated 11.7.2000. A panel of 43 persons were prepared on the basis of the name sent by the Employment Exchange, they were finally appointed. The Writ Court found that according to the counter affidavit, a provisional list was prepared in the year 2004 containing number of persons in which the name of the petitioner found placed at Sl. No.864. Objections were invited against the same in the year 2004 itself and after completion of all formalities, a panel of 500 applicants was prepared in which petitioner's name has not figured.

It is the case of the petitioner that he had submitted an objection. The learned Writ Court found that it would not be just and proper to exercise its extraordinary writ jurisdiction in the disputed nature of the claim raised by the petitioner after such a long period and for that reason, the Writ Court declined to interfere with the appointments made earlier out of the list. The Writ Court was given to understand that the panel which was prepared in the year 2004 had a life of only one year and on expiry of one year, the panel has already



lost its life.

Having heard learned counsel for the parties and upon perusal of the record, we find that the view taken by the learned Writ Court is correct in the given facts and circumstances of the case. No positive direction could have been issued at this belated stage. We cannot reopen the whole issue which have already settled down over the period. Finding no merit in the appeal, we dismiss the same accordingly.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

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