

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16069 of 2010

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Vivekanand Jha S/O Late Chiranjeev Jha R/O Mohalla- Goutam Nagar,
Gangjala, Ward No. 12, P.S. & Distt.- Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar, Patna
2. Director, Panchayati Raj, Government Of Bihar, Patna
3. The Deputy Director, Panchayati Raj, Koshi Division, Saharsa
4. The District Magistrate, Saharsa
5. Sub. Divisional Officer, Saharsa
6. District Panchayati Raj Officer, Saharsa
7. Block Development Officer, Sonbarsa Raj, Distt.- Saharsa
8. Block Panchayat Raj Officer-Cum-Nodal Officer Sonbarsa Raj, Distt.- Saharsa
9. Gram Panchayat Surveyor, Sonbarsa Raj, Distt.- Saharsa
10. Manoj Kumar Singh S/O Shri Yogendra Prasad Singh R/O Mohalla- Kayastha Tola, Ward No. 25, P.O., P.S. & Distt.- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Respondent/s : Mr. Zakir Haider, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2018 The present writ petition is filed for directing the respondents to select the petitioner on the post Nyaya Mitra at Bargawn Panchayat under Sonbarsa Raj Block, Saharsa.

The petitioner, in the writ petition has stated that an advertisement was published in the daily newspaper on 26.07.2009 for the purpose of appointment of Nyaya Mitra which was reserved for handicapped person for various panchayat in the district of Saharsa. The petitioner had also applied for the said post at Bargawn Gram Kutchery under Sonbarsa Raj Block, Saharsa. It



is stated that two applications were filed; one by the petitioner and other by the respondent no. 10. After counseling, the name of the respondent no. 10 was placed at serial no. 1 and that of the petitioner at serial no. 2, to which the petitioner had raised objection since the petitioner is totally handicapped whereas the respondent no. 10 is 50% disable, however the respondent no. 10 was appointed as Nyaya Mitra instead of the petitioner.

Per contra, the learned counsel for the State referring to the counter affidavit, has submitted that first of all, the contract period for the said post of Nyaya Mitra has already expired, hence there is no question of granting any appointment to the petitioner herein. On merits, it is submitted that the respondent no. 10 was selected on the basis of comparative merit of the candidates to the satisfaction of the wisdom of the Selection Committee.

Having regard to the facts and circumstances of this case, I find that there is no infirmity in selection of the respondent no. 10 on the post of Nyaya Mitra and more importantly now, when the tenure of the Nyaya Mitra post at the said Gram Kutchery for the year 2006-11 has come to an end, no relief can be granted to the petitioner and the writ petition has become infructuous.



For the reasons mentioned hereinabove, there is no merit in the present writ petition, accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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