

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.170 of 2018

IN

Civil Writ Jurisdiction Case No. 17211 of 2015

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Shakti Prabha Sinha, W/o Shri Om Prakash Sinha, Resident of Mohalla Salempur,
In front of Ganga Singh Law College, District Saran at Chapra.

.... Appellant / Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The Director, Consumer Protection Bihar Patna.
4. The Chairman, District Screening Committee, Saran at Chapra.
5. The District Magistrate, Saran at Chapra.
6. Smt. Vinita Devi, W/o Shri Yugal Kishore Thakur, Resident of Village-
Dhanupur, PO Dhangarha, P.S Baniyapur, District Saran at Chapra.

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Ravi Ranjan, Advocate.

For the Respondent/s : Mr. S. Raza Ahmad, AAG 5.

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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: 06-07-2018

This Letters Patent Appeal has been preferred for setting aside the judgment dated 15.11.2017 passed by a learned Writ Court in Civil Writ Jurisdiction Case No. 17211 of 2015. By the impugned judgment the learned Writ Court has refused to quash the Notification dated 18.12.2014, as contained in letter no. 9683, by which the respondent no. 6 has been appointed as Member, Non-Judicial, Saran District Consumer Forum, Saran.

2. The writ petitioner-appellant seeks quashing of the notification and a direction to recommend the name of the petitioner



as well as a direction to remove the name of the respondent no. 6 from the recommended panel.

3. The learned Writ Court has found that pursuant to the advertisement issued for appointment of Member, Non-Judicial, Saran District Consumer Forum, Saran the writ petitioner as well as respondent no. 6 had applied, the petitioner was also empanelled even though she had failed to enclose the required experience certificate showing her experience for the social work for 10 years. The Selection Committee, however, ultimately found that the respondent no. 6 having experience of working and imparting trainings under Panchayat Raj Act besides other social service was suitable and fit for appointment as Member, Non-Judicial, Saran District Consumer Forum.

4. The learned Writ Court having noticed that the petitioner did not even state in her application form that she had got any experience of social work for 10 years found that she lacked the requisite qualification and in terms of the advertisement she was not fulfilling the criteria for selection.

5. The only contention raised on behalf of the writ petitioner – appellant is that the petitioner was earlier appointed as a Member, Non-Judicial in the District Consumer Forum and, therefore, the ouster of the petitioner on the ground that she had not stated about



her experience in social work would not be just and proper.

6. In the opinion of this Court, if the advertisement issued for fresh selection contained stipulation that the applicant has to state about his/her experience in social work for last 10 years, any person seeking his appointment / selection against the said advertisement would be required to fully state in the application about his / her experience in social work for 10 years. The contention of the petitioner that because she had earlier worked as a Member of the Saran District Consumer Forum and therefore this criterion cannot be applied as against her cannot be accepted on the face of the terms of the advertisement. It is in the domain of the employer to put the terms and conditions of selection and the Selection Committee has to act in accordance with those eligibility conditions which are laid down in the advertisement.

7. In the opinion of this Court, no illegality may be found with the impugned judgment. The Letters Patent Appeal has no merit. It is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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