

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4290 of 2017

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Sheshank Kumar Son of late Mahendra Kumar Sinha, Permanent resident of
Mohalla-Kanchan bagh, P.O. & P.S.-Hisua, District-Nawadah,

.... Petitioner/s

Versus

1. The District & Session Judge, Begusarai
2. The Judge Incharge, Administration, Civil Court, Begusarai,

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate

For the Respondent/s : Mr. Mrigank Mauli, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner and learned counsel for
the respondent.

In the present writ petition, petitioner has raised a grievance
that he could not receive interview letter in time, on that account he
failed to participate in the interview. Further submitted that this court
should give direction to Judgeship, Begusarai to conduct special
interview for him to reconsider the case.

From the records it appears that against the advertisement
petitioner and others have applied and interview letter of the petitioner
was sent through registered post on 11.11.2016 fixing interview on
16.11.2016, but petitioner received letter for interview on 16.11.2016
in afternoon and accordingly he failed to appear in the interview.

It is not in dispute that interview letter was not sent to the



petitioner, as because on account of failure of the postal department, he has received the interview letter on the day of interview in the afternoon and for that Civil Court, Begusarai is not responsible. Merely because petitioner could not appear in the interview it will not create indefeasible right to allow the prayer for fresh interview for him.

Learned counsel for the petitioner has placed reliance on the order passed in Writ Petition (Civil) No. 21 of 1998, in which Hon’ble Supreme Court has not decided any issue.

This issue is no longer in *res integra* and that has been settled by Hon’ble Supreme Court as well as this Court in the case of Shubham Kumar v. Bihar Public Service Commission through Chairman and others, reported in 2014(3) PLJR 661, in that case this Court has considered the earlier judgment of this Court as well as of Hon’ble Supreme Court, arrived to a finding that on account of failure of postal department to serve the letter of interview will not be a cause for fresh interview.

As this Court is not inclined to accept the plea of the petitioner, accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
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