

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15906 of 2010

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Sunil Kumar S/o Shri Gopalji Prasad Pandit R/o Vill Prem Kutir, Nakhas
Chak, Andar Kila, P.S.Hajipur, Distt-Vaishali At Hajipur

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary Bihar
Panchayati Raj New Secretariat, Bailey Road, Patna
2. The District Magistrate Vaishali at Hajipur
3. The Sub Divisional Officer, Hajipur
4. The Block Development Officer, Bhagwanpur, Distt-Vaishali at Hajipur
5. The Block Panchayat Raj Officer, Bhagwanpur, Vaishali, Hajipur
6. Kameshwar Rai S/o Late Ra Lagan Rai R/O Village-Sikhwat,
P.O.Warishpur, P.S. Bhagwanpur, Distt-Vaishali at Hajipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Dr. Shashi S. Kishore

For the State : Mr. Asit Kumar Jha, A.C. to G.P.-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2018 The petitioner by way of the present writ petition has prayed for directing the respondents to accept the joining of the petitioner on the post of Nayay Mitra in Gram Kachahri Sahtha under Bhagwanpur Block of Vaishali District inasmuch as after due procedure the respondents had issued appointment letter to the petitioner which is dated 10.3.2008.

It is stated in the writ petition that the petitioner has been issued the appointment letter dated 10.3.2008 but the respondents are not accepting his joining.

Per contra, the learned counsel for the respondents referring



to the counter affidavit filed on behalf of the respondents, has submitted that an advertisement was published for the purposes of making selection on the post of Nayay Mitra of Gram Kachahari Sahtha in Bhagwanpur Block under Vaishali District whereafter the counseling was held in which 27 candidates including the petitioner and the respondent no. 6 had appeared. Thereafter, the merit list was prepared and the petitioner was placed at serial no. 14 and the respondent no. 6 was placed at serial no. 18. A consent letter was then issued to the petitioner but the petitioner did not turn up within the prescribed time for giving his consent whereas on the contrary the respondent no. 6 had turned up to give his consent, hence he was appointed. It is submitted that along with the appointment letter dated 10.3.2008, the consent letter was also attached but since the petitioner had not given his consent within the requisite time, the appointment letter had become void. It is further submitted that the contract period for the said post of Nayay Mitra has come to an end, hence the petitioner can not be appointed now.

The aforesaid submission / averment made in the counter affidavit filed by the respondents has not been controverted by the petitioner by filing any rejoinder affidavit.

Having regard to the facts and circumstances of the case



and for the reasons mentioned herein above, I do not find any merit in the writ petition. The same is dismissed.

(Mohit Kumar Shah, J)

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