

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17556 of 2016

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Dinesh Ram, son of Sri Rajendra Ram, resident of Village- Hussaini, P.S.-
Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna, New Sachivalaya, Beli Road, Patna.
2. The Secretary, Department of Law, Govt. of Bihar, Patna, New Sachivalaya, Beli Road, Patna.
3. The District and Sessions Judge, Sitamarhi.
4. The Registrar (Administration) High Court of Judicature at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Adv. Mr. Birendra Kumar, Adv.
For the Respondent-State	:	Mr. Mithilesh Kr. Upadhya, AC to GP-3
For the High Court	:	Mr. Piyush Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-08-2018

Heard Mr. Bimal Kumar, learned counsel appearing for the petitioner, Mr. Piyush Lal, learned counsel appearing for the High Court and Mr. Mithilesh Kumar Upadhya, learned Assisting Counsel to Government Pleader No.3 for the State.

The petitioner is aggrieved by his non-selection against a Class IV post in Civil Court, Sitamarhi and thus prays for quashing of the decision of the Appointment Committee which held its meeting on 6.8.2014 and 11.8.2014 and in which decision was taken for making appointment against 48 posts.

Mr. Bimal Kumar, learned counsel appearing for the petitioner in reference to the pleadings in the writ petition submits that the petitioner has been working albeit on daily wage basis since



1993 and when terminated in the 2007, he came before this Court along with some others which writ petition bearing CWJC No.9912 of 2007 was disposed of with a direction to the District and Sessions Judge, Sitamarhi to grant age relaxation to the petitioners and also give them weightage for the past service as and when selections are undertaken by the district judiciary. In the selection so held, the petitioner was considered but his claim has been rejected.

It is submitted by Mr. Bimal Kumar, learned counsel appearing for the petitioner that no doubt age relaxation has been given to the petitioner but a meagre weightage of 1 mark was given to him for his past service of over two decades.

Mr. Lal defending the district judiciary in reference to the counter affidavit filed while not disputing the factual matrix advanced by Mr. Bimal Kumar, submits that the challenge to the termination of the service of the petitioner in the earlier round arising from CWJC No.9912 of 2007 simply required the District Judge to examine the claim by giving weightage on past service and relaxation of age when appointment would be made and which has been given to the petitioner but he has failed to secure place in the merit list in comparison to the other applicants.

Having heard learned counsel for the parties and having perused the pleadings on record, it is noted that the termination of



the petitioner in the year 2007, though challenged before this Court, was not interfered with and the writ petition was disposed of in the manner described by learned counsel appearing for the contesting parties. The order passed on the earlier writ petition is at Annexure 12 to the present proceeding and it is not in dispute that the claim of the petitioner was considered by the Selection Committee, who awarded one mark against his past service which, according to Mr. Lal, would rate 10% of the marks allotted for interview, which was 10, but he failed to make it to the merit list. The petitioner definitely was entitled for consideration of his case for appointment which has accordingly been done by the Selection Committee but unfortunately has not resulted in appointment but then none can claim appointment as a matter of right though he is entitled to a consideration which is not lacking in the present case.

In the circumstances discussed, no cause for indulgence is made out. The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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