

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11144 of 2018

Chandan Kumar, S/o Sri Devendra Prasad Yadav, R/o Village and Post- Nandana
Lautan P.S.- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Law Department, Bihar, Patna.
2. The Registrar, Patna High Court, Patna.
3. The Convenor, Co-ordination Committee, Patna cum District and Sessions Judge, Patna.
4. The Registrar, District and Session Judge, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr. Md. Raisul Haque, SC10
Mr. Obaidullah, AC to SC 10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner and the respondents.

2. Petitioner has filed the writ petition seeking a direction upon the respondents to arrange a viva voice examination/interview in connection with Advertisement no. 1 of 2016 which was issued for 1681 empanelled candidates for appointment to the post of Clerk in the subordinate courts of Bihar so as to enable the petitioner to appear in the same.

3. The short facts giving rise to the claim of the petitioner is that though he was not declared qualified in the first result for which interview was conducted in January 2018, in the second list of



selected candidates which was published on 01.04.2018 he has been declared as a qualified candidate for interview which was to be conducted between 01.05.2018 to 08.05.2018. However, the petitioner did not appear in interview.

4. It is his submission that he could not see the notice published either with reference to the second result or the date of interview and has thus been left out in the interview conducted between 01.05.2018 to 08.05.2018. In this connection he made a representation before the Convener of the Coordination Committee conducting the selection process. The District and Sessions Judge, Patna, being Convener of the Committee, under order dated 27.06.2018, has rejected the petitioner's representation for fixing a date of interview/change the date of interview.

5. Counsel for the petitioner submits that the chance given to him under the second result dated 01.04.2018 was a very vital chance and as such to meet the ends of justice, this Court should pass an order to fix any date for interview so that his candidature may be subjected to viva voice. The record shows that the second result dated 01.04.2018 as well as the date of interview between 01.05.2018 to 08.05.2018 were widely circulated and also posted on the website of e-courts.

6. It is petitioner's own case that process of selection for empanelment of 1681 candidates has been concluded on 08.05.2018.



He however, submits that the final result has not been published.

7. That being so, if relief as prayed for is granted to the petitioner today, one out of 1681 empanelled candidate would be required to make way for the petitioner. Since the admitted position is that the number of vacancies for empanelled candidates is fixed 1681 therefore, the instant case suffers not only from delay but also latches giving rise to third party rights in the meantime.

8. Petitioner has no one else to blame, but himself for not seeing the second result and date of interview which was duly notified. Number of candidates to be empanelled was fixed. Process of empanelment is admittedly complete. For the latches on the part of the petitioner, one from amongst the 1681 empanelled candidates cannot be removed from the panel to accommodate the petitioner at this belated stage. Moreso, because the candidates have been empanelled on emerging successful in the selection process, bonafide.

9. For the reasons stated the petitioner’s case is devoid of merit.

10. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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Uploading Date	
Transmission Date	

