

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1706 of 2017**  
**IN**  
**Civil Writ Jurisdiction Case No. 18421 of 2016**

- =====
1. Rajesh Prasad son of Sri Shankar Prasad resident of Mohalla - Choudhary, Post Office + Police Station - Dehri-on-Sone, District - Rohtas at Sasaram.
  2. Arvind Kumar Singh son of Sri Brij Nandan Singh resident of Village - Baligawan, Post Office - Jabra Police Station - Nokha, District - Rohtas.
  3. Ajay Kumar Singh son of Sri Chandeshwar Singh resident of Village - Thekhibali Rampur, Post Office - Tarar, Police Station - Nokha, District - Rohtas.
  4. Niraj Kumar son of Sri Murli Singh resident of Village - Basahi, Police Station - Kundra, District - Kaimur.
  5. Sandeep Kumar Singh son of Sri Lalan Prasad Singh resident of Village - Rauja Road, Police Station - Sasaram Sadar, District - Rohtas.
  6. Ashok Kumar son of Sri Tulsi Ram resident of Village - Pachpokhri, Police Station - Kundra, District - Kaimur.
  7. Sunita Kumari wife of Sri Anil Kumar resident of Village - Nekra, Police Station - Agarar, District - Rohtas at Sasaram.
  8. Taban Paswan son of Sri Jagnan Paswan resident of Village + Post Office, Kochas, District - Rohtas.
  9. Santosh Kumar Sharma son of Sri Dashay Sharma resident of Village - Ghusiya Khurd, Post Office - Ghusiyacalan, Police Station - Bikramganj, District - Rohtas.
  10. Nirmal Kumar Azad son of Sri Bhulan Ram Resident of Village + Post Office - Barhari, Police Station - Kundra, District - Rohtas.

.... .... Appellants

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Secretary-cum-Executive Director, State Health Society, Rohtas at Sasaram.
4. The District Magistrate-cum-Chairman, District Health Society, Rohtas at Sasaram.
5. The Civil Surgeon-cum-Chairman, District Health Society, Rohtas at Sasaram.



6. Krishna Kant Singh son of Late Shivdhar Singh resident of Village - Barhara, District - Gopalganj.
  7. Shatrughan Kumar Singh son of Sri Ram Adhar Singh resident of Village - Guaighat, Police Station - Gaighat, District - Muzaffarpur.
- .... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Manish Kumar  
For the Respondent/s : Mr. S.D.Yadav -AAG9

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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: 19-02-2018**

Heard learned counsel for the appellants as well  
as learned counsel for the State.

**2.** Challenging the judgment dated 07.11.2017 passed in CWJC No. 18421/2016 by the learned Writ Court, the writ petitioners have moved in this Intra Court Appeal. By the impugned judgment, the learned Writ Court has refused to quash the order dated 08.07.2016 passed by the District Magistrate-cum-Chairman, District Health Society whereby the Governing Body of the District Health Society took a decision to cancel the selection process initiated for appointment of Para Medical worker (Leprosy) on the ground *inter alia* that the appointment process itself was



vitiated by the controversies of large scale interpolations in the marks allotted to the candidates in the interview.

**3.** Learned counsel has strenuously argued before us that the learned Writ Court could not appreciate that these petitioners are unemployed youths and once the selection process has been initiated, it has to be taken to a logical end.

**4.** On the other hand, learned counsel representing the State submits that there is no illegality in the impugned judgment as it would appear that the Writ Court perused the original file of the proceedings of the District Health Society and found that there were recommendations to cancel the selection process as there were large scale interpolations in the marks allotted to the candidates in the interview. It is also submitted that the petitioners having participated in the selection process by itself have not acquired any indefeasible right to get appointment.

**5.** Having heard learned counsel for the parties and on perusal of the records, we find no illegality or infirmity in the order in the facts which have been noticed by



the learned Single Judge from the original records of selection process. The petitioners have not acquired any vested right muchless any legal right to compel the respondents to appoint these petitioners if they have decided to rescind the whole selection process because of the nature of controversies as stated hereinabove.

6. This Letters Patent Appeal has no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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