

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1879 of 2016

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Dr. Anand Kumar Chowdhri son of Late Chandra Narayan Choudhri,
Resident of Village and P.O.- Panchobh via Laheriasarai, P.S.- Bishanpur,
District- Darbhanga Petitioner

Versus

1. The State Of Bihar through The Principal Secretary, Education Department,
Government of Bihar, Vikash Bhawan, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Vikash
Bhawan, Patna
3. The Additional Secretary, Education Department, Government of Bihar,
Vikash Bhawan, Patna
4. The Director, Higher Education, Education Department, Government of
Bihar, Vikash Bhawan, Patna
5. The Joint Secretary, Education, Education Department, Government of Bihar,
Vikash Bhawan, Patna
6. The Director, Jagjiwan Ram Institute of Parliamentary Studies and Political
Research, 10 Mangles Road, Patna
7. Srikant, Director, Jagjiwan Ram Institute of Parliamentary Studies and
Political Research, A/24, LIG Phase 1, Ashiana Nagar, Patna 25

.. ... Respondents

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Appearance :

For the Petitioner : Mr. Surendra Mishra, Advocate
For the Respondents : Mr. Raj Ballabh Pd. Yadav, AAG XI

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Learned counsel for the petitioner admits that the
petitioner is not eligible for appointment in terms of Press
Communique/Advertisement dated 5.2.2014. He however
submits that appointment by Annexure 4 dated 19.5.2014 of
respondent no.7 has been made even though he did not possess
the requisite qualification though there were a large number of
eligible candidates other than the petitioner available for
selection.



The writ petitioner has no interest in the process of selection as he was himself disqualified in terms of the Press Communique/Advertisement dated 5.2.2014 issued for appointment to the post of Director in the Jagjiwan Ram Institute of Parliamentary Studies and Political Research, Ashiana Nagar, Patna. Since he has not qualified for the selection impugned, and the selection in question has already been done, relief to that extent has become infructuous.

In so far as petitioner's challenge to appointment of respondent no.7 is concerned, this Court would observe that the petitioner has not raised the issue before any State authority regarding respondent no.7 being not qualified in terms of Press Communique/Advertisement dated 5.2.2014. Since there is no demand before the authorities in respect of eligibility of respondent no.7, there is no occasion to this Court to presume that the authorities will not take appropriate steps if the petitioner's allegation is found true.

In view of the aforesaid circumstance, the writ petition is dismissed.

Writ petitioner would be at liberty to approach the authorities pointing out that selection of respondent no.7 is not in accordance with the qualification prescribed in the Press



Communique/Advertisement dated 5.2.2014

(Madhuresh Prasad, J)

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