

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5370 of 2019

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Ashwini Kumar Pathak, aged about 42 years, male, Son of Nand Kumar Pathak, R/o Village-Nima, Palamu (Jharkhand), presently resident of Village-Dhanawan, P.O. Civil Aerodrome (Bajdaha), P.S. Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.
3. The Under Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Joint Secretary, General Administration Department, Bihar Govt., Patna.
5. The Joint Secretary, Personnel and Administrative Reforms Department, Bihar Govt., Patna.
6. The Collector, Gaya.
7. The Circle Officer, Sherghati, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. B.K. Sinha, Sr. Adv.
Mr. Vinod Pandey, Adv.

For the Respondent/s : Mr. S.K. Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 16-04-2019

Heard the counsel for the parties.

2. The petitioner has only come with a prayer for
issuance of a direction to the respondent authorities to



consider the case of the petitioner as he is not being considered for appointment because of his application not having reached the office of the respondent on time.

3. The last date for receiving applications of desirous candidates under the sports category was 15th February, 2016. The petitioner dispatched his application on 10th February, 2016 from Gaya, annexing all the necessary/requisite certificates, entitling him to be reconsider as he, by the standard set in the advertisement, is an outstanding sportsperson.

4. The petitioner was only orally informed that his application was received in the office of the respondent only on 16th February, 2016, *i.e.*, a date after the last date and, therefore, the same was not considered.

5. An application, dated 17.08.2016, was filed by the petitioner before the Principal Secretary, General Administration Department, Govt. of Bihar, Patna (respondent No. 2) for consideration of his application, but till date, the same was never responded to or acted upon

6. Mr. B.K. Sinha, learned Senior Advocate for



the petitioner has pointed out that an advertisement was taken out for filling up 250 posts from amongst the outstanding sportsperson and till date, approximately 207 vacancies exist. The further allegation of the petitioner is that even those persons have been considered whose applications were received in the respondent's office much later than the last date fixed.

7. In any view of the matter, the representation of the petitioner is required to be considered by the Principal Secretary, General Administration Department, Govt. of Bihar, Patna (respondent No. 2), more so in view of the existing vacancy and appointment process still continuing. The respondent No. 2 is also required to consider whether it would be prudent to shut out a person from being considered for one day's delay in the receipt of the application form.

8. In order to cut short the delay in the adjudication of this issue by the Principal Secretary, General Administration Department, Govt. of Bihar, Patna (respondent No. 2), this Court directs the petitioner to make a fresh representation before him (respondent No. 2) within



a period of two weeks from today, who, on receipt of the same, shall consider the request and shall pass a reasoned order in accordance with law within a further period of four weeks thereafter.

9. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.04.2019
Transmission Date	N/A

