

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12170 of 2014

=====

Sushil Kumar Son of Sri Krishna Prasad Mahto R/o Mohalla- Begampur
Mandai Chowraha, Patna City, P.S- Bye Pass, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna
2. The Managing Director, B.M.S.I.C.L. (Bihar) Medical Services and
Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi
Maidan, Patna – 800 001
3. General Manager, Finance and Administration, B.M.S.I.C.L., Patna

... .. Respondent/s

=====

For the Petitioner/s	:	Mr Anand Prakash Prabhakar, Advocate
For the S t a t e	:	Mr Jitendra Kumar, AC to AAG XIV
For B S M I C L	:	Mr Prabhat Kr Singh, Advocate

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-03-2019

Heard learned counsel for the petitioner and the respondents.

2 Learned counsel for the petitioner submits that the petitioner was the second empanelled candidate in the result published pursuant to interview for selection as DGM (Finance and Accounts). Relying upon the stipulations contained in the result dated 23.05.2014, it is submitted that in view of failure of first empanelled candidate, namely, Manish Kumar Dwivedi to join pursuant to his selection, it was incumbent upon the authorities to consider the petitioner's candidature for selection as DGM (Finance and Accounts).



3 Learned counsel for the Bihar Medical Services & Infrastructure Corporation Limited submits that the result dated 23.05.2014 was for selection of candidates on contractual period of one year. The period has lapsed long back. Due to efflux of time, the petitioner's claim is not tenable today. It is further pointed out that the advertisement for subsequent selection for the post in question on contractual basis was published on 27.06.2014 which has led to selection of some other persons on the post, the petitioner has not impleaded any of them and for this reason also, the writ petition is not maintainable.

4 The manner in which the writ petition has been framed without impleading the proper and necessary party is also detrimental to the claim of the petitioner.

5 The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2019
Transmission Date	NA

