

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12160 of 2014

Dr. Dharmendra Sinha Son of Late Raghunath Sinha Resident I-4, Officers
Flat, New Punaichak, Police Station- Shastri Nagar, District- Patna

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Animal Husbandary and Fisheries Development
Department, Govt.of Bihar, Patna
3. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna.
4. The Chairman, Bihar Public Service Commissioner, Jawahar Lal Nehru
Marg, Patna
5. The Secretary, Bihar Public Service Commission, Jawahar Lal Nehru Marg,
Patna.
6. The Deputy Secretary, Bihar Public Service Commissioner, Jawahar Lal
Nehru Marg, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
For the State	:	Mr. Ranjan Kumar, AC to GA 12
For BPSC	:	Mr. Satyabir Bharti
		Mr. Alok Chandra

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-03-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State as well as the Counsel

appearing for the Commission.

The writ petition presents a very sorry state of affairs.

An advertisement was published for appointment to the post of
Director, Animal Husbandry. The advertisement is of the year
2012. The process of selection, however, has not been
completed.



The petitioner has approached this Court seeking a direction upon the respondents to appoint him or any other eligible Veterinary Doctor on the post of Director, Animal Husbandry pursuant to the said advertisement.

The stand of the respondents on record presents a total lack of coordination between the authorities. The Commission has written to the State authorities on 12.2.2014 and 11.7.2014 requesting clarification on the point as to which posts of State/Central or its Enterprises were to be considered as Veterinary Class I. In absence of such clarification, it is submitted by Counsel for the Commission that the Commission is not in a position to proceed with the selection process as requested clarification of candidates cannot be ascertained unless clarification is sent by the State authorities.

The State authorities, on the other hand, have filed a counter affidavit, wherein they have stated that only when they receive recommendation from the Commission that they can proceed further in the matter of selection to the post in question. Counsel for the State, however, points out that the age of the petitioner disclosed in the affidavit filed in the year 2014 was 58 years. The petitioner on attaining the age of superannuation from the post of Veterinary Doctor would have retired in 2016



itself. It is submitted that on account of his retirement, relief claimed in the writ petition has become infructuous.

Counsel for the petitioner has submitted that such inaction on the part of the respondents should not be countenanced by this Court as there are other applicants also who are left in the lurch due to inaction or lack of coordination of the authorities as is evident from the pleadings on record.

Since the petitioner has now become disqualified for the appointment in question on account of his attaining the age of superannuation this Court does not consider it appropriate to proceed any further in the instant proceeding as now the petitioner cannot get any relief in the instant proceeding.

The writ petition has become infructuous due to retirement of the petitioner during pendency of the proceedings and is dismissed accordingly.

(Madhuresh Prasad, J)

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