

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9113 of 2015

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Sonu Kumar Son of Sri Bijay Kumar resident of village- Chaili Taal, P.O. Gulzarbagh, P.S. Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Health Secretary, Health Services, Government of Bihar, Patna.
3. The Director, State Health Society, Bihar Pariwar Kalyan Bhawan, Sheikhpura, Patna- 800014.
4. The Administrative Officer, State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna-
5. The Programme Officer, State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna- 80001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar
For the Respondent/s : Mr.Kamlesh Kishore, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner was an applicant for appointment as Lab Technician. The process of selection was undertaken by the State Health Society.

In the year 2012 petitioner approached this court complaining that only 604 out of 680 vacancies notified had been filled up. Petitioner claimed that 76 persons were left out in the process of selection even though vacancies were available. Writ court under order dated 25.01.2012 passed in petitioner's earlier writ proceedings disposed of the application



recording that if the process of appointment is still on and respondents are going to proceed with the same by appointment of successful candidates then they should complete the process as soon as possible.

Order dated 25.01.2012 only observed that if appointment is made then it should be done expeditiously. Writ court had refrained from issuing any positive direction to the respondents to make appointment. Only if they were to do so, at their own discretion then the same was required to be done expeditiously. Respondent-authorities conducted interview for assessing efficiency of remaining candidates as they were required. Accordingly, process was carried out by three men committee. These facts are apparent from the order passed in contempt proceedings arising out of MJC no. 4141/2012 at the instance of the petitioner alleging non-compliance with the order passed by the writ court. Order in the contempt proceedings dated 23.07.2014 recorded stand of the State counsel that they had proceeded to consider the case of remaining persons through a three man committee constituted for interview. In the said process out of 76 candidates in the selection 38 candidates were found fit for appointment. The process of selection has been completed. Thereafter as per stand



of the respondents recorded in the order passed in MJC no. 4141/2012, petitioner did not appear in a proceeding before three men committee. The issue was left open to the petitioner to raise in accordance with law in an independent proceeding.

Whether petitioner had appeared before three man committee or not is the only issue which remains to be considered as per order in contempt proceedings. After disposal of contempt proceedings, petitioner made an application before respondents-authorities that his claim should be considered as he was also one of the candidates found successful in the selection in the year 2012.

Petitioner has alleged that he fulfilled all requirements in terms of advertisement but unfortunately, he could not receive any intimation regarding process of selection being conducted by three men committee.

The order of the court in contempt proceedings also records that advertisement was issued in respect of fresh process being conducted by three man committee. There is no assertion of the petitioner that advertisement was not published or why he could not appear in spite of publication of advertisement. Assertion made before the authority is only in respect of non-receipt of communication sent by registered post. There is no



assertion by the petitioner why he did not appear in spite of advertisement, or that no advertisement was published.

No case is made out for issuance of any direction exercising jurisdiction under Article 226 of the Constitution of India in respect of selection process which was completed long back. Petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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