

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10099 of 2019

1. Monika Ranjan Daughter of Sakridar Ram Resident of Village- Bahadurpur, Post Office- Bahramba, Police Station- Sikandra, District- Jamui.
2. Rinku Kumari Daughter of Asho Ram Resident of Mauna, Post Office- Pursanda, Via- Aliganj, Police Station- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Director, Administrative Reforms Mission Societies, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Administrative Reforms Mission Societies, Jamui.
4. The Deputy Collector (Establishment), Jamui Collectorate, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Md. N. H. Khan (Sc1)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

2. Petitioners have filed the present application for a direction to the respondents to make appointment on the basis of panel prepared for engagement of Executive Assistant.

3. Learned counsel for the petitioners in both the writ applications submits that merit list was prepared on 21.7.2015. The panel was initially prepared for a period of one year but no action was taken. Subsequently, the life of the panel was extended for a further period of two years. Now the life of the



panel has expired.

4. Learned counsel for the petitioners submits that inviting application and preparing panel is not a public relation exercise when the respondents decided to invite application and they have prepared panel, they were expected to make appointment.

5. The constitution bench of the Apex Court in the case of **Shankarshan Das** has held out that mere empanelment does not create indefeasible right but the authorities connected with the engagement or appointment have to see that inviting application and preparing is not a public relation exercise.

6. Unfortunately, the life of the panel has expired and after expiry the life of the panel, the Court cannot revive the life of the expired panel.

7. Under the aforesaid circumstances, the Court is not inclined to grant any indulgence except that in future if the respondents take steps for making appointment or engagement on the post of Executive Assistant, they are required to grant one opportunity the persons who were empaneled earlier, in the event, they crossed the maximum age limit.

8. Learned counsel for the petitioners submits during the pendency of the present applications fresh application was



invited but they have not been able to apply in connection with subsequent advertisement.

9. In view of the above, the respondents are directed to entertain their application if the last date for submission application has expired as exceptional case having regard to the fact that the present writ applications were pending in this Court.

10. With the aforesaid, the present petitions stand disposed of.

11. It is made clear that refusal to grant indulgence cannot be taken by the respondents as a liberty to them to invite application and after completing the panel frustrate the expectation of the empanelled candidates. In future, if they prepare panel in connection with the appointment of Executive Assistant, they are obliged to take the preparation of panel to its logical end otherwise their inaction shall be viewed seriously.

(Anil Kumar Upadhyay, J)

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