

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 973 of 2012

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Gopal Jha, S/o Late Jagannath Jha, Resident of Mohalla - Nazirpur, Pankaj Market Road P.S. Town Police Station, Distt- Muzaffarpur, Presently Resident Of Rajnish Puram C/O Mr. J.N. Singh Sahdeo Path, West Patel Nagar, P.S. - Shashtrinagar, Distt- Patna - 23

... .. Petitioner/s

Versus

1. The Union of India through Deputy Secretary, Ministry of Youth Affairs and Sports, Mission Directorate - PYKKA, Cafeteria Building, Pragati Vihar Hostel, C. G. O. Complex, Lodhi Road, New Delhi – 110 003
2. The State Of Bihar through the Principal Secretary, Deptt. Of Arts , Culture and Youth, Bihar, Patna
3. The Joint Secretary, Department Of Art, Culture and Youth Affairs, New Secretariat, Vikas Bhawan, Patna
4. The Director, Student and Youths Welfare Directorate, Department Of Art, Culture and Youth, Govt of BihaR, Patna
5. The Director General, Bihar State Sports Authority, Moinul Haque Stadium, Rajendra Nagar, Patna - 1
6. Sri Abhishek Kumar S/O Sri Mahabir Ojha M-19, Professor Colony, Kankarbagh, Patna - 20

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Suresh Mishra, Advocate
For Respondent No 6	:	Mr Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-10-2019

Heard learned counsel for the petitioner as well as respondent No 6. None appears for the State. There is also no representation on behalf of respondent No 7 though the notice issued to respondent No 7 was accepted as being served under earlier order dated 15.05.2014 passed in the instant proceedings.



2 The petitioner participated in the process of selection as State Technical Consultant for Panchayat Yuva Krida Aur Khel Abhiyan (for brevity, PYKKA). The PYKKA was under the Government of India, Ministry of Youth Affairs and Sports. The PYKKA contemplated appointment of such a consultant and that the PYKKA was to be funded by the Central Government up to a maximum amount of Rs 30,000/- per month for a period of five years. The PYKKA is of 06th May, 2009. The same contemplated appointment of Technical Consultant on contractual basis for one year on a consolidated remuneration. The renewal of the contract was at the discretion of the Authorities subject to satisfactory performance of the individual.

3 Having been selected as Technical Consultant, the selection of the petitioner was by way of Letter dated 23.08.2011. Certain other persons, who participated in the process of selection, approached the Authorities complaining that they could not appear in the process of selection for want of communication. In the in-house enquiry, it came to light that there was no proper communication, process was thus done afresh. In order to facilitate fresh process, selection of the petitioner was cancelled under Communication dated 03.01.2012 which was the original



order impugned in the instant proceedings. The petitioner had also assailed the process of selection (afresh) thereafter.

4 The subsequent events, after filing the writ petition, are relevant for consideration. The process was done afresh on the basis of complaint made by respondent No 6. In the fresh process, a third candidate, namely, respondent No 7 came to be selected. PYKKA, under which the selection has been made is of May, 2009 and was to be funded only for five years thereafter. As per the Scheme, which has been brought on record by way of supplementary affidavit filed by the petitioner himself, funding the Scheme has lapsed long back in the year, 2014. Nothing has been brought on record to show that it continues thereafter. Even the selection of respondent No 7, as per the PYKKA, would initially have been for one year subject to renewal upon assessment of satisfactory performance. Petitioner has also not placed on record that the selection of respondent No 7 is continuing after the first year.

5 There is nothing on record to show that the Scheme is continuing even after five years. The pleading on this score is insufficient to arrive at the conclusion that the cause of action still survives. On account of such insufficient pleadings and having regard to the PYKKA, under which the selection has been done,



this Court would find that the petitioner today has no valid and enforceable claim.

6 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.10.2019
Transmission Date	NA

