

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 1279 of 2018

In
Civil Writ Jurisdiction Case No.11144 of 2018

Chandan Kumar S/o Sri Devendra Prasad Yadav R/o Village and Post
-Nandana Lautan P.S.-Minapur, District-Muzaffarpur ... Appellant
Versus

1. The State Of Bihar
 2. The Registrar, Patna High Court, Patna.
 3. The Convener, Co-ordination Committee, Patna Cum District and Sessions Judge, Patna.
 4. The Registrar, District and Session Judge, Patna Respondents
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Appearance :

For the Appellant	:	Mr.Manoj Kumar Manoj, Advocate
For the Respondents	:	Mr.Gyan Prakash Ojha -GA7 Mr. Gopal Krishna, AC to GA 7
For the High Court	:	Mr. Mrigank Mauli, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3 09-12-2019 Heard learned counsel for the appellant as well as learned counsel for the respondents on I.A.No.7698 of 2018 which has been filed on behalf of the appellant under section 5 of the Limitation Act for condonation of delay of 4 days.

Perusal of the impugned order dated 1.8.2018, passed in C.W.J.C.No. 11144 of 2018, goes to show that the appellant appeared in the written examination conducted in connection with Advertisement No. 1 of 2016 and the first list of successful candidates was published on 1.4.2018 but according to the first



list of successful candidates, the appellant could not succeed to qualify. However, the interview of successful candidates was held between 1.5.2018 to 8.5.2018. Again second list of successful candidates was published on 1.4.2018 and in the aforesaid list, name of the appellant was also included. Accordingly, the date of interview of the successful candidates of second list was fixed between 1.5.2018 to 8.5.2018 and information regarding the aforesaid date of interview was given to the successful candidates through various ways including publication of second list on the Website of e-courts but the appellant failed to appear before the interview Board and after expiry of the date of interview, he filed a representation before the Convenor of the Co-ordination Committee for fixing a date of interview which was rejected vide order dated 27.6.2018. Thereafter, the appellant filed C.W.J.C.No. 11144 of 2018 seeking a direction to respondents to arrange a viva voice examination/interview. The Writ Court dismissed the writ petition filed on behalf of the appellant vide impugned judgment dated 1.8.2018 against which the appellant has filed this appeal after delay of 4 days.

Although, the appellant has averred in I.A.No.7698 of 2018 that on account of his illness he could not file the appeal in



time but even if the aforesaid averment is accepted to be true, still he does not have any case on merit. The impugned judgment goes to show that sufficient opportunity was given to the appellant to appear before the Interview Board but he failed to appear before it. Moreover, if the prayer of the appellant is allowed, the fate of several other candidates shall be put in danger. Therefore, in the aforesaid circumstances, this appeal not being only time barred, but on merit also, stands dismissed.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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