

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17415 of 2018

1. Ranjan Kumar S/o Sunil Kumar Choudhary At P.O. Bhowara, Ward No. - 27, P.S. - Town, Madhubani - 847212.
2. Tarun Prabhakar S/o Sri Mohan Prasad R/o Village - Karahaiya, P.S. - Raj Nagar, District - Madhubani.
3. Sawan Kumar Sah S/o Sri Om Prakash Sah R/o Vill Rahi South, P.O. - Bhalha, P.S. Rajagar, District - Madhubani.
4. Balram Kumar Sharma S/o Laxman Sharma Vill P.O. - Laxmipur Patna, Block P.S. - Khajauli, District - Madhubani.
5. Deepak Kumar Singh S/o Ramsundar Singh Vill - Dhanushi, Thana - Rahika, Distt - Madhubani.
6. Rajesh Ranjan S/o Sri Rameshwar Pandey R/o Vill - Kanail, P.S. Rahika, District - Madhubani.
7. Shyam Kumar Ram S/o Late Veer Bahadur Ram R/o Vill - Laxmi Sagar, P.S. - Madhubani Town, District - Madhubani.
8. Gopal Kumar Singh S/o Sri Ram Prit Singh R/o Vill - Karahiya, P.S. Raj Nagar, District - Madhubani.
9. Pankaj Kumar S/o Sri Ashok Kumar R/o Mohalla - Raj Nagar Station Road Raj Nagar, P.S. - Raj Nagar, District - Madhubani.
10. Anwekh Kumar Pandey S/o Sri Chet Nath Pandey R/o Village - Simri Goth, P.S. Raj Nagar, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
3. Director of Bihar Administrative Reform Mission Society, Bihar, Patna.
4. Principal Secretary of Panchayat Raj Department, Govt. of Bihar, Patna.
5. Director of Information and Public Relation Department, Government of Bihar, Patna.
6. District Magistrate, Madhubani.
7. District Information and Public Relation Officer, Madhubani.
8. District Information and Information Technology Officer, Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17806 of 2018

Alok Kumar Jha son of Chandrakant Jha resident of village - Dhanauja, Police Station - Benipatti, District Madhubani.



... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, Bihar Administrative Reforms Mission General Administration Department, Government o
4. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
5. The Director, Public Relation Department, Government of Bihar, Patna.
6. The District Magistrate, Madhubani.
7. The District Public Relation Officer, Madhubani.
8. The District Information Technology Office, Madhubani.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17415 of 2018)

For the Petitioner/s : Mr.Ravi Ranjan

For the Respondent/s : Mr.Md. N.H. Khan - Sc1

(In Civil Writ Jurisdiction Case No. 17806 of 2018)

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Respondent/s : Mr.P. Narayan- Ga4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 11-12-2019 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)

Ravi/-

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