

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1573 of 2017**

**In**

**Civil Writ Jurisdiction Case No.1852 of 2016**

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Manish Kumar, son of Sri Birendra Kumar, R/O Village- Fatehpur, P.S.-  
Manjhi, District- Chapra.

... .. Appellant

Versus

1. The State Of Bihar through the Principal Secretary, General Administration,  
Govt. of Bihar, Patna.
2. The Bihar Staff Selection Commission, Patna through its Secretary.
3. The Secretary, Bihar Staff Selection Commission, Patna.
4. The Chairman, Bihar Staff Selection Commission, Patna.
5. The Officer on Special Duty, Bihar Staff Selection Commission, Patna.

... .. Respondents

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**Appearance :**

For the Appellant : Mr. Binod Murari Mishra, Advocate

For the Respondents : Mr. S.S. Sundram, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)**

**Date : 18-11-2019**

Heard learned counsel for the appellant and learned  
counsel for the respondents.

2. The instant Appeal is directed against the order dated  
18.09.2017 passed by the learned Single Judge in C.W.J.C. No.  
1852 of 2016, whereby the writ petition praying for direction to  
the authorities of the Bihar Staff Selection Commission to  
recommend his name for appointment following a selection



process initiated vide Advertisement No. 110/2010 has been disposed of holding that no cause for indulgence is made out.

3. The contention of the learned counsel for the appellant is that there is no dispute to the fact that the appellant was successful in the preliminary examination of Graduate Level Combined Examination, 2010 conducted by the respondent- Bihar Staff Selection Commission. He appeared in the Mains Examination held on 27.01.2013 and was declared successful. The result was published in August, 2013. He received no information from the Bihar Staff Selection Commission about the result. Hence he did not appear in the counselling. He contended that at every stage of the selection process he was communicated through correspondence, but while issuing notice for participation in the counselling, no intimation was sent or received by the appellant. Thus, he could not participate in the counselling. According to him, in the admitted facts and circumstances, the learned Single Judge ought to have allowed the writ petition and directed the respondent- Bihar Staff Selection Commission to recommend his name for appointment.

4. Per contra, learned counsel appearing for the respondent- Bihar Staff Selection Commission submitted that there is no error in the judgment dated 18.09.2017 passed by the learned



Single Judge. As a matter of fact, the date of counselling had not only been uploaded on the Official Website of the Bihar Staff Selection Commission, but the same was also published in several daily newspapers. Hence, the learned Single Judge has rightly appreciated the facts involved in the case and dismissed the writ petition filed on behalf of the petitioner.

5. Having heard the parties, we find substance in the submission of learned counsel for the respondents. In the writ petition a counter affidavit was filed on behalf of the respondent-Bihar Staff Selection Commission wherein it was specifically pleaded that the date of counselling was uploaded on the Official Website as also publication in this regard was made in several newspapers. The newspaper publication has also been annexed in support of the aforesaid contention. The said averments were not disputed by the petitioner by way of filing any rejoinder. In that view of the matter, the learned Single Judge has rightly refused the prayer of the petitioner for directing the authorities of the Bihar Staff Selection Commission to recommend him for appointment. The appellant can not plead any foul for his own lapses. He can not shift the blame by pleading non receipt of postal communication when the date of counselling was widely



publicised through newspaper publication and Official Website of the respondent – Bihar Staff Selection Commission.

6. The appeal is devoid of any merit. It is dismissed accordingly. However, there shall be no order as to costs.

**(Ashwani Kumar Singh, J.)**

**( Anil Kumar Sinha, J.)**

praful/-

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