

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14283 of 2017

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1. Gautam Kumar Sharma Son of Sri Lal Bihari Sharma, Resident of Village-Patouna, Police Station-Khiri More, District-Patna.
 2. Samresh Singh, Son of Sri Bhola Singh, Resident of Village-Parora, Police Station-Sahebpur Kamal, District-Begusarai.
 3. Om Kumar, Son of Sri Devendra Singh, Resident of House No. 312, Basant Vihar Colony, RPS More, Police Station-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited through its Managing Director having Office at Daroga Rai Path, Patna
4. The Bihar Managing Director, Bihar State Food and Civil Supplies Corporation Limited, having Office at Daroga Rai Path, Patna
5. The Nodal Officer, Bihar State Food and Civil Supplies Corporation Limited, having Office at Daroga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha Advocate Mr. Ravindra Kumar Singh Advocate Mr. Ashok Kumar Karna Advocate
For the State	:	Mr. Arbind Ujjawal SC4
For the BSFC	:	Mr. Shailendra Kumar Singh Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 23-01-2019 Heard the learned counsel for the petitioners, the

BSFC and the State.

The petitioners are applicants against the

advertisement which was issued by the respondent /

corporation for appointment on 407 posts of Assistant

Manager and 50 posts of Assistant Accountant. The



petitioners were applicants in the general category for the post of Assistant Manager. After having passed the written examination, a merit list was published by the Commission which was not in true sense a merit list but a list of the entire candidates who had passed the written examination. Thereafter, some candidates were called for counseling and according to the information of the petitioners, till date only 180 posts out of 198 posts ear-marked for general category have been filled up, leaving 18 posts still vacant in the general category.

The aforesaid position of fact has not been disputed by the learned counsel appearing for the corporation.

The dispute, if at all, has been raised is with respect to the total number of vacant seats and total number of appointments. The petitioners are not concerned with the total number of appointments but only with the appointments against the general category.

Learned counsel for the petitioners has submitted that in the event of the posts remaining vacant and the



corporation, even as late as in the year 2018, has been appointing on such posts on the basis of the first recommendation made by the Commission, they too ought to be considered.

In order to buttress the aforesaid contention, Mr. Ojha, learned advocate for the petitioners contends that the last of such appointments in the general category is of a person who has obtained 64 marks and fortunately the petitioners also have obtained 64 marks. What has grieved the petitioners is that the vacancies is being rotated between such candidates who were initially recommended for being appointed by the Commission. The petitioners fall in the zone of consideration as their names figured in the merit list. The Commission has only recommended the names of the candidates mentioned in the merit list and nothing more. The other formalities with respect to appointment has been taken care of by the corporation. In that event, it would serve no good to the corporation or to anybody, if the posts still remain vacant.

Under such circumstances, this Court directs the



petitioners who in the past also have represented before the concerned authority to make a fresh representation before the Chairman-cum-Managing Director of the Corporation within a period of three weeks from today stating in detail the marks obtained by them and their qualification and that their names figured in the first merit list published by the Commission. The Managing Director after being informed of the vacancy position and other considerations would take a call in the matter preferably within a period of eight weeks from the date of filing of the representation. Needless to state that the Managing Director will also take into account that it is expected that the advertised vacancies be filled and if the candidates are available with requisite qualification who have participated in the selection process, there would be no reason for shutting them out without any reason.

With the aforesaid observation / direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

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