

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.465 of 2019**

=====

Mukhtar Ahmad M S/o Md. Muslim, Resident of Village- Diyari, Mirjapur,  
P.S.- Bausi, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The State Health Society, Bihar, through its Executive Director, State Health Society, Bihar, Patna
4. The Executive Director, State Health Society, Bihar, Patna.
5. The Collector-cum-Chairman, District Health Society, Araria.
6. The Civil Surgeon-cum-Secretary, District Health Society, Araria.
7. The District Programme Manager, District Health Society, Araria.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                            |
|----------------------|---|------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Siya Ram Sahi, Advocate<br>Ms. Shally Kumari, Advocate |
| For the Respondent/s | : | Mr. Mujtabaul Haque- Gp12<br>Mr. Manish Kuamr, AC to GP12  |

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      25-07-2019                      Heard, Mr. Siya Ram Shahi, learned counsel for the  
petitioner as well as learned counsel for the State-respondent.

The petitioner had applied pursuant to advertisement issued by the District Health Society, Araria for contractual appointment. The petitioner had applied for post of Senior Tuberculosis Supervisor. The process of contractual appointment initiated by the State, advertisement was later on cancelled under the decision of the State Health Society (Annexure 4) which has been put for general notice dated 08.09.2018 by the District Health Society. Mr. Sahi, learned counsel for the petitioner submits that the cancellation is under



guidelines issued by the State Health Society. The guidelines dated 20.08.2018 contains specific stipulation that process of selection initiated earlier shall continue. In respect of the guidelines dated 20.08.2018, he submits that the guidelines are prospective and could not have been made the basis of cancellation of advertisement issued prior to the said guidelines. The authorities have further committed illegality by only canceling the selection in respect of 4 out of 6 posts advertised under the said advertisement, in response to which, the petitioner had applied.

Learned counsel for the State draws attention of the Court to the guidelines dated 20.08.2018. He submits that the earlier process of selection which has been saved under the guidelines dated 20.08.2018 are only those which have been initiated by the State Health Society. Petitioner participated in the selection process, initiated by the District Health Society, Araria. Therefore, it cannot be said that the same is saved under the guidelines dated 20.08.2018.

This Court would further take into consideration the fact that cancellation has taken effect, thereafter, fresh advertisement in respect of the appointment to some posts including the posts of Senior Tuberculosis Supervisor for which



the petitioner was an applicant, has subsequently been advertised in November, 2018.

The subsequent advertisement has also not been challenged by the petitioner. In respect of the said advertisement as he has not made out any case that the advertisement is to his disadvantage.

Be that as it may, it is settled law that it is within the discretion of the employer to cancel the advertisement for selection process till such time the results have been declared or till such time, any rights have accrued on basis of the advertisement.

This writ petition is devoid of merit and the same is dismissed.

**(Madhuresh Prasad, J)**

A.K.V./  
S. Katyayan/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

