

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21248 of 2018

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Arun Kumar Son of Dev Kumar Pandey, Resident of Village- Dewariya,
Police Station- Udwant Nagar in the District of Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Rohtas.
5. The District Education Officer, Rohtas.
6. The District Program Officer Establishment, Rohtas.
7. The District Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sasaram, Rohtas.
8. The Chairman, Zila Parishad, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Respondent/s : Mr.Arvind Kumar, AC to GP XXIII

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-10-2022 Heard the parties.

Admittedly, the petitioner had participated in the selection process for the appointment to the post of Librarian. However, the same has not been finalized by the respondents and resultantly the present petition.

Learned counsel appearing for the petitioner submits that the petitioner has much marks than several other persons but the respondents have committed a huge irregularity and appointed persons on the post of Librarian on the basis of pick

and choose method without declaring the result under the advertisement. The petitioner had approached under the RTI but it was informed that the relevant document/register of selection of Librarian are missing and a first information report has been registered. Learned counsel submits that while the respondents have deliberately not made selections for the post of Librarian by a pick and choose method other person has been appointed as Librarian.

In the opinion of this Court, if any other person has been appointed as Librarian without following due process of law, the petitioner could raise a grievance by impleading the concerned person who has been appointed as Librarian. In the absence of such person holding the post of Librarian it can not be accepted that the appointment has been made on the post of Librarian by pick and choose method.

As regards the respondents not filling-up post under the advertisement, in the opinion of this Court, no mandamus can be issued to any recruitment agency or the State Government for making appointments. The advertisement issued does not mandatorily mean that the appointments are required to be done. The State Government has ample authority to decide not to fill-up post even if the advertisement has been

issued.

Keeping in view above, no case for interference is made out.

The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 50

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