

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1388 of 2021

1. Mukesh Kumar son of Kishori Singh resident of New Colony, Bhaluyai Kharkhura, P.S.- Gaya, District- Gaya (Roll No. 51501974).
2. Sumit Suman son of Raj Narayan Choudhary resident of Village- Saidpur Dhawa, P.S.- Arwal, District- Arwal (Roll No. 51500358).
3. Abhimanyu Prasad son of Sri Dukhan Prasad resident of Village- Chaurhar Civil Aerodrome Gaya, P.S.- Magadh Medical, District- Gaya (Roll No. 51503234).
4. Shambhu Prasad Son of Sri Bishnudev Prasad Resident of Village- Dhaniya Bagicha, P.S.- Delha, District- Gaya (Roll No. 51500985).
5. Krishna Kumar Son of Sri Baldev Chaudhary Resident of Village- Rahimapur, P.S.- Biddupur, District- Vaishali (Roll No. 51505667).
6. Jagat Narayan Singh Son of Sri Parmeshwar Prasad Resident of Village- Dharahara, P.S.- Silao, District- Nalanda (Roll No. 51501340).
7. Arun Kumar Prasad Son of Sri Lala Prasad Resident of Village- Junedi, P.S.- Raiter, District- Nalanda (Roll No. 51508371).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Director-in- Chief, Health Services, Govt. of Bihar, Patna.
3. The Staff Selection Commission, through its Secretary, Post Veterinary College, Patna.
4. The Chairman, Staff Selection Commission, Veterinary College, Patna (The Commission).
5. The Civil Surgeon cum Chief Medical Officer, Gaya, District- Gaya.
6. The Civil Surgeon cum Chief Medical Officer, Nalanda, District- Nalanda.
7. The Member-cum- Examination Controller, Staff Selection Commission, Veterinary College, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Mokhtar Ansari
For the Respondent/s : Mr. Rajeshwar Singh, GA-10

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 04-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19



pandemic.

In the instant petition, on 24.01.2022 following order was passed:

“The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

None appears for the petitioner.

Matter relates to selection and appointment for the post of Lab Technicians.

Petitioner has not apprised this Court that he has vested right in seeking consideration of representation.

Re-list this case on 04.02.2022.”

Learned counsel for the petitioner submitted that select list is subject-matter of LPA. Therefore, such a contention cannot be appreciated unless and until petitioner apprise that he has legal/statutory right followed by demand before the competent authority so as to issue writ of mandamus under Article 226 of the Constitution.

In the light of Apex Court’s decision in the case of ***Mani Subrat Jain V. State of Haryana & Ors.*** reported in ***A.I.R. 1977 SC 276*** the present petition stands dismissed reserving liberty to the petitioner to file fresh petition while



produce copy of the select list and so also questioning the selection and appointment of the last selected candidate under a particular category.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

