

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5123 of 2019

Arising out of

Letters Patent Appeal No.398 of 2019

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Arun Kumar, Son of Late Ram Naresh Singh, Resident of Bhushan Lane, East Lohanipur, Police Station- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Government of Bihar, New Secretariat, Patna namely Sri Sanjay Agrawal.
2. The State Transport Commissioner, Vishweshvaraiya Bhawan, New Secretariat, Patna namely Seema Tripathi.
3. Bihar Staff Selection Commission, Patna, P.O.- Veterinary College, Patna-14 through its Chairman namely Sri Ravindra Kumar.
4. The Secretary, Bihar Staff Selection Commission, Patna, P.O.- Veterinary College, Patna-14 namely Sri Om Prakash Pal.
5. The Chairman, Bihar Staff Selection Commission, Patna, P.O.- Veterinary College, Patna-14 namely Sri Ravindra Kumar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. K.N. Sharma, Advocate
For the State	:	Mr. Sushil Kumar Singh, AC to AAG 13
For the BSSC	:	Mr. Madanjeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 22-11-2022

Heard Mr. K.N. Sharma, learned counsel for the petitioner; Mr. Sushil Kumar Singh, learned AC to AAG 13 for the State and Mr. Madanjeet Kumar, learned counsel for the Bihar Staff Selection Commission.

2. Learned counsel for the State submits that the direction of the Court dated 22.08.2019 in L.P.A. No. 398 of 2019 was with regard to considering the claim of the petitioner



by the Principal Secretary, Department of Transport, Government of Bihar in the light of observation made in the order keeping in view of the status of merit of the appellant as well as the roster applicable in support of 59 vacancies that were advertised. He submits that the same has been complied with. In support thereof learned counsel drew the attention of the Court to Annexure - A to the show cause filed on behalf of the opposite parties no. 1 and 2 which is copy of order dated 30.10.2019 by which the officer has disposed of the claim by a detailed order explaining the vacancies as per the roster points and ultimately it has been found that all the 29 general category vacancies from both the first merit list and the second merit list has been filled up by persons who, in the merit list, were above the petitioner. Thus, he being a general category candidate, could not have been appointed in that transaction.

3. Learned counsel for the petitioner submits that there is discrepancy in the list.

4. Having considered the materials on record and the specific direction of the Court and the order passed by the Secretary, Department of Transport, Government of Bihar dated 31.10.2019 the Court finds that the direction of the Court in order dated 22.08.2019 given in L.P.A. No. 398 of 2019 has



been complied with.

5. Accordingly, the contempt petition stands disposed of.

6. The Court would only clarify that it has not gone into the merits of the order passed by the Secretary Department of Transport, Government of Bihar.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
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