

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4503 of 2023

Arfa Nazmeen D/o Late Md. Zainuddin, Resident of village Lakhnipur,
Maheshpatti Via - Ujiarpur, P.S. - Ujiarpur, P.O. Ujairpur, District -
Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the General Administration Department, Govt. of Bihar, Patna.
2. Bihar Prashasnik Sudhar Mission Society (General Administration Department) through its Managing Director, Govt. of Bihar.
3. The Additional Managing Director, Bihar Prashasnik Sudhar Mission Society (General Administration Department), Govt. of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The District Informatics Officer, Collectorate Office, Samastipur.
6. The IT Manager, Collectorate Office, Samastipur.
7. Additional District Informatics Officer NIC, Collectorate Office, Samastipur.
8. The Nodal Officer, Bihar Prashasnik Sudhar Mission Society (General Administration Department), Collectorate Office, Samastipur.
9. Public Information Officer, Collectorate Office, Samastipur.
10. Head Assistant, Bihar Prashasnik Sudhar Mission Society (General Administration Department), Collectorate Office, Samastipur.
11. Incharge Clerk, Bihar Prashasnik Sudhar Mission Society (General Administration Department), Collectorate Office, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-09-2023

1. Heard the parties.

2. The petitioner applied, pursuant to advertisement issued in the year 2013 by the Bihar Administrative Reforms Mission Society for selection of Block IT Assistants on honorarium in Samastipur district.



3. It is the petitioner's case that the process was taken till verification of testimonials, which was done in January 2018. Thereafter, pursuant to the process, no selection has been done. The petitioner thus seeks a direction upon the respondents to appoint her as Block IT Assistant in the district of Samastipur.

4. It is submitted by learned counsel for the petitioner that when no action was taken pursuant to the conclusion of the process in January 2018, she approached the authorities under the Right to Information Act (RTI), which was responded to by a letter dated 15-06-2018.

5. The Court will find clause 2 of the information supplied under the RTI to be relevant. The same reads as follows:-

"2. अद्यतन आई०टी०सहायकों का पैनल निर्माण नहीं होने के कारण नियोजन / नियुक्ति की कार्रवाई नहीं की जा रही है। पैनल निर्माण के उपरांत ही उपलब्ध रिक्ति के विरुद्ध नियोजन / नियुक्ति की कार्रवाई की जा सकेगी।"

6. The reply to this effect was received on 15-06-2018, which clearly records that panel is not being prepared, and therefore the selection process cannot be carried forward.

7. From bare perusal of the information supplied under the R.T.I., noted above, it is obvious that the authorities at the present have not proceeded with the panel preparation and



have for the moment aborted the selection process. It is not the petitioner's case that in the process of selection her candidature has been declared successful, let alone be assessed. The petitioner, therefore, would have no cause of action to seek issuance of a direction for her appointment.

8. Even otherwise, the writ application has been filed treating the information dated 15.06.2018 supplied under RTI to be the cause of action for filing the present writ petition, five years later. To justify filing of the writ petition in 2023, the learned counsel submits that after receiving information under RTI Act, the petitioner was making representations.

9. Representations filed by the petitioner would not confer a fresh cause of action, for filing a writ petition in the year 2023, more so when, as noticed above, the information under RTI dated 15.06.2018 also cannot be considered to conferring any cause of action for the petitioner to claim issuance of direction in favour of her appointment.

10. The writ petition is, accordingly. dismissed.

(Madhuresh Prasad, J)

SUMIT/
Shyambihari-

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