

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17875 of 2015

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Sanjay Kuamr son of Markandey Pandey, resident of village- Bhekas, P.O.- Akhlaipur, P.S.- Bhabua, District- Kaimur Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Rural Development, Government of Bihar, Old Secretariat, Bih
4. The Secretary, Rural Development Department, Government of Bihar, Patna.
5. The District Magistrate, Kaimur at Bhabua.
6. The District Development Commissioner, Kaimur at Bhabua.
7. The Director, District Rural Development Agency, Kaimur at Bhabua.
8. The District Co-operative Officer, Bhabua, District- Kaimur.
9. The District Welfare Officer, Bhabua, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey
For the Respondent/s : Mr.Nadeem Seraj, Gp20

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned counsel appearing for the respondent-State.

1. The present writ application has been filed for quashing and setting aside the order contained in Letter No. 230226 dated 05.05.2015 issued by the Secretary, Government of Bihar, Rural Development Department by which the selection process for the appointment of Grain Awas Sahayak has been stopped.

2. The brief facts of the case is that pursuant to the



advertisement issued by the Rural Development Department, Government of Bihar, (Annexure-1) for the post of Gramin Awas Sahayak (on contract), the petitioner has applied vide application No. GAS/0180769 on 03.01.2014. Thereafter, after due verification and scrutiny, a category wise selection list for the appointment on the post of Gramin Awas Sahayak for the total posts of 152 was prepared but appointment could only be done on 131 posts till 14.11.2014 (Annexure-3). Again, second selection list of 33 candidates had been prepared and soon thereafter a final list for the vacant post of Gramin Awas Sahayak was again published for 99 candidates in which the petitioner had been figured at serial No. 21 in general category having score of 89.78% (Annexure-5). After publication of final list in which the petitioner was shown at serial No. 21, the Secretary, Government of Bihar issued a letter addressing to all the District Magistrate and Deputy Development Commissioner to stop the selection process of for all the post in terms of the advertisement as aforesaid stating therein that the validity of the panel of candidates was for one year in light of the Department Notification No. 165209 dated 03.10.2013 and taking note of the validity of the panel, the selection process for the post of Gramin Awas Sahayak along with all posts in terms of the advertisement be stopped as fresh appointments shall be carried out after ascertaining the vacant from the districts. Being aggrieved by the



aforesaid, the petitioner has approached this Court challenged the order contained in Letter No. 230226 dated 05.05.2015 issued by the Secretary, Government of Bihar, Rural Development Department.

3. Learned counsel for the petitioner submits that the name of the petitioner has been figured at serial No. 21 in the final selection list for appointment on the post of Gramin Awas Sahayak but the appointment of the petitioner could not be done by the respondent authority even though there has been 18 vacant posts of Gramin Awas Sahayak as is evident from Annexure-8 which is an information sought by the petitioner under the Right to Information Act from the Public Information Officer, Rural Development Agency, Kaimur, Bhabhua.

4. Learned counsel for the State, on the other hand, submits that admittedly a second merit list was prepared for the employment of 33 Gramin Awash Sahayak in which 16 seats are reserved for the General category and the petitioner falls under the category of General candidates. He further submits that the petitioner has scored 89.78% marks whereas the last selected candidate in the general category was having 90% marks, therefore, the name of the petitioner figured in the final selection list-2 in the waiting list against the general category. He further submits that meanwhile, since the appointment of Gramin Awash Sahayak was carried out on contract and the validity of the panel



was only for one year, the State Government ordered to stop the further proceeding of the employment of the Gramin Awash Sahayak vide letter No. 23026 dated 05.05.2015.

5. In the aforesaid background of fact, learned counsel for the State submits that no cause of action arises for interference of this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India.

6. Having heard the contentions of the parties, this Court is of the view that, undoubtedly, according to the advertisement, the application was sought from the eligible candidates for appointment on the post of Gramin Awas Sahayak on contract basis only for one year and the petitioner could not be figured in first selection list on the ground of his secured marks in the desired category. Accordingly, his name has been figured at serial No.21 having marks of 89.78 % in the panel list which was against waiting list. Mere having the name in the waiting list does not extend right to any candidate to be appointed on the post for which application has been furnished. Here in the case at hands, the validity of panel was also only for one year and once the period of validity of panel has lapsed, the panel itself lost its validity. In such situation, the claim of the petitioner does not survive as he has not accrued any right over the appointment on the post of Gramin Aawas Sahayak. Further, the State Government has taken its policy decision to stop the



selection process with a view to carry out fresh appointment against the vacant post taking note of the validity of panel. Therefore, this Court does not find merit in the present writ petition and does not warrant any interference of this Court in the matter in exercise of supervisory jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, this writ application is dismissed being devoid of merit.

(Rajesh Kumar Verma, J)

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