

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18208 of 2013

1. Laxmi Narayan Rai and Anr S/O Sri Dronacharya Rai Resident Of Upadhyaya Lane, West Lohanipur, Kadamkuan, Patna., Police Station- Kadam Kuan, Patna, District- Patna.
2. Roushan Kumar S/O Sri Suresh Singh Resident Of Village- Dhauama, Police Station- Hisua, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar Legislative Assembly Secretariat, Patna through Secretary
3. The In- Charge Secretary, Bihar Legislative Assembly Secretariat, Patna.
4. The In- Charge Joint Secretary- Cum- Deputy Secretary, Establishment, Bihar Legislative Assembly Se
5. The Under Secretary, Establishment, Bihar Legislative Assembly Secretariat, Patna
6. The Members Of Selection Committee For The Post Of Driver, Bihar Legislative Assembly Secretariat
7. The Secretary, Finance Department, Government Of Bihar, Old Secretariat, Patna.
8. The Finance Department, Government Of Bihar, Old Secretariat, Through Secretary.
9. Mr. Manohar Mahto S/O Girbal Mahto New Yarpur, Janta Road, Yadav Lane, Gardanibagh, Patna
10. Mr. Chandra Shekhar Kumar S/O Birmani Lal Resident Of Village- Lala Bhadtara, Police Station- Dulhin Bazar, Via- Delhauri, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s 1 to 6	:	Mr. Kaushal Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 17-01-2023 1. No one appears for the petitioners.
2. The petitioners prays as under:-

“1. That the petitioner by this writ petition craves indulgence of this Hon’ble Court for issuance of an appropriate writ(s), order(s) for following reliefs:-

(i) Issuance of a direction, order or writ



including writ in the nature of mandamus commanding the concerned respondents authorities to take steps towards considering the cases of petitioners for appointment against the posts of driver in Bihar Legislative Assembly Secretariat pursuant to the advertisement no. 01/2012 dated 10.08.2012 (Annexure-19)

(ii) Issuance of a direction, order or writ including writ in the nature of mandamus commanding the concerned respondents authorities to take steps towards extending all the consequential benefits to the petitioners that they are entitled to pursuant to their appointments against the post of driver in Bihar Legislative Assembly Secretariat in a similar manner as other similarly situated persons who have been worked with petitioners right from their appointment in pursuant to advertisement dated 05.12.2007 (Annexure-2)

(iii) Issuance of a direction, order or writ including writ in the nature of mandamus commanding the concerned respondents authorities to produce records pertaining to selection process to the post of driver in Bihar Legislative Assembly Secretariat, Patna pursuant to advertisement no. 01/2012 dated 10.08.2012 (Annexure-19) before this Hon'ble Court.

(iv) Any other relief(s) that the petitioner may be found to be entitled to in the facts and circumstances of the case."

3. The respondents have filed their counter affidavit and stated that an Advertisement was issued for making selection for the post of Driver and by order of the Hon'ble



Speaker, written examination and Interviews were conducted. On the basis of marks obtained in an exhaustive test of driving skill and oral test of driving rules, a merit list was prepared, out of which 14 Drivers were selected.

4. The claim of the petitioners for being given preference and priorities was also considered. But it is only when two similarly placed persons bearing equal marks are available, then the priority would have been given to the experienced person. However, merely because the petitioners have worked earlier on daily wage basis, they could not have been allowed to jump over in the merit.

5. This Court finds that the entire selection was conducted in a transparent manner and only 14 posts have been filled from meritorious candidates having higher merit than the petitioners. Thus, claim for appointment made by the petitioners is found to be wholly misconceived.

6. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 60

U			
---	--	--	--

