

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8528 of 2019

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Sonoo Kumar Sah Son of Sri Arun Sah Resident of Laxmi Sagar Colony,
Nanak Gas Godam Road, P.S. LNM University, District-Darbhanga.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna, through The Registrar General, Patna High Court, Patna.
2. The Registrar General, Patna High Court, Patna
3. The Registrar (Appointment), Patna High Court, Patna
4. The Registrar (Administration), Patna High Court, Patna.
5. The Appointment and Selection Committee for Recruitment of Court Manager, Patna High Court, Patna.
6. The State of Bihar through the Finance Secretary, Government of Bihar, Patna.
7. The Principal Secretary, Law Department, Government of Bihar, Patna.
8. The Principal Secretary, Department of General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Gyan Prakash Ojha (GA7)
For the PHC	:	Mr. Satyabir Bharti with Ms. Kanupriya, Mr. Abhishek Anand and Ms. Sushmita Sharma, Advocates

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 03-07-2023

Heard the learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent Patna High Court.

2. An Advertisement No. 03 of 2015 dated 10-11-2015 (Annexure 1) was issued for the recruitment of Court Manager on contractual basis, pursuant to which, the petitioner has participated in the process of selection.



3. It is his assertion that he was the next person in the merit list after the last candidate declared selected for appointment for the post of Court Manger, as per Final Result dated 29-08-2017, as contained in Annexure-7 to the writ petition. He further submits that since certain persons had not joined, he should have been offered the post remaining vacant on account of non-joining of the candidate. In support of his submission, he places reliance on Rule-8 of the Patna High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1997 (for brevity 'Rules of 1997') as well as unreported decision of the Apex Court in the case of ***State of J&K & Ors vs. Sat Pal in Civil Appeal Nos. 938-939 of 2013 arising out of SLP(C) Nos. 31591-31592 of 2012.***

4. Learned counsel for the respondents, on the other hand, submits that the Rules of 1997 have no application as the process of selection was for contractual appointment for the post of Court Manager and not for the post covered by the Rules of 1997. He further submits that the decision relied upon by the petitioner's counsel is also in connection with the regular selection process. There being no stipulation in the advertisement for preparation of any panel or wait list; or that the vacancy remaining unfilled are to be filled up from the next



persons in order of merit, the petitioner has no enforceable right that can be asserted by way of the instant writ proceedings.

5. This Court is in agreement with the submissions advanced by the learned counsel for the respondents. The Rules of 1997 relied upon, have no application to the selection process in-question, the same being for appointment on contractual basis. The judgment of the Apex Court in the case of *State of J&K & Ors vs. Sat Pal* (supra) also do not apply to the petitioner’s case because in that case the respondent was relying on a prevalent rule governing the selection in question wherein waitlist was valid for one year. In the instant case, there is no such provision in any rule governing selection of contractual Court Managers. Thus, no case is made out for issuing any direction to consider the petitioner’s selection.

6. Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	04-08-2023
Transmission Date	

