

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20404 of 2014

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1. Onkar Kumar son of Devendra Mandal, resident of Amarpur, P.O.- Chutiya, P.S. District- Banka
 2. Bipin Kumar Suman, son of Radhika Raman Prasad, resident of Karhariya, P.O. P.S. District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors null General Administration Department, Government of Bihar, Old Secretariat, Patna
2. The District Magistrate, Banka
3. The Senior Deputy Collector, Banka
4. The Deputy Collector, Establishment, Banka
5. The I.D. Manager, Prabhandak, Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma Rakesh Kumar Sharma
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3 Mr. Arjun Prasad, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 30-01-2023 Heard learned counsel for the parties concerned.

The contention of the petitioner is that the petitioner applied for the post of Executive Assistant pursuant to an advertisement published by Mission Director, Bihar Administrative Reforms Mission Society (Department of General Administration).

According to the petitioner, a panel was prepared for appointment on 09.11.2012, but the petitioner was not appointed due to some irregularities committed by the respondents and



instead the candidates below in the rank in the panel were appointed.

The appointment was to be made on contractual basis for the period of one year on a fixed remuneration of Rs. 7,000/- per month for the appointee.

A counter affidavit has been filed by the respondent-State stating therein that a panel was prepared on 10.01.2012 and the life of the panel was one year, which expired in 2013. After expiry of the panel, fresh selection was again made in pursuance of the advertisement published in the year 2014 and as such life of the panel prepared on 10.01.2012 or 09.11.2012 has lost its force. The petitioner cannot claim appointment from the expired panel.

It is further been stated that *vide* Memo No. 1382 dated 31.07.2019 and Memo No. 331 dated 12.02.2021 issued by the Bihar Administrative Reforms Mission Society (Department of General Administration), Government of Bihar, the selection/appointment of Executive Assistant now has been given to BELTRON and not to the respondent authorities herein.

Learned senior counsel for the petitioner submits that the petitioner has been discriminated upon by the respondent authorities inasmuch as the persons below in panel were



appointed but the petitioner was left out arbitrarily.

I have heard learned counsel for the parties.

Admittedly, according to the petitioner, a panel was prepared on 09.11.2012/10.11.2012, it is settled law that the life of the panel is one year unless it is extended. No material has been brought on record showing that the panel was ever extended by the authorities. Further, a fresh advertisement was published in the year 2014 for appointment of Executive Assistant and at present another agency has been given power of appointment on contract basis.

In my opinion, mere empanelment does not create any vested right of appointment.

In view of the aforesaid facts and circumstances and the fact that the petitioner has filed the present writ application after expiry of the panel and fresh appointment has also been made in the year 2014, accordingly, I do not find any merit in this writ petition. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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