

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12519 of 2021

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Jayshankar Bharti S/o- Mahendra Prasad Yadav R/o- Jagbani, P.O.-
Bhawanipur, P.S.- Gamataria, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
2. The Director Bihar Agriculture Management and Extention Training Institute (BAMETI), Bihar, Patna.
3. The Director General Administrative Department, Govt. of Bihar, Patna.
4. The District Magistrate-cum- Chairman Assistant Technology Management Agency, Madhepura.
5. The Project Director Agriculture Technology Management Agency, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sita Ram Prasad, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking the following

reliefs:-

“(i) To quash the letter no.88 dated 13.02.2021 issued by the Project Director, Assistant Technology Management Agency (ATMA), Madhepura, whereby and whereunder a communication letter has been given to the District Magistrate-cum-Chairman Selection Committee, Madhepura regarding not to selection rest of 20 Assistant Technology Manager (ATM), post under the Assistant Technology Management Agency Project, Madhepura (ATMA).



(ii) To direct the respondents Agriculture Technology Management Agency (ATMA), Madhepura to published the 2nd merit list which was to be published in the year 2020 but due to Covid-19 it was not published for the appointment of Assistant Technology Manager (ATM), Madhepura.

And for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the case.”

It is the case of the petitioner that pursuant to the advertisement dated 11.12.2018 published by the Agriculture Department, State of Bihar for filling up 1287 posts of Assistant Technology Manager (ATM) all over the State of Bihar, the petitioner applied for the same. It is his further case that for district of Madhepura 29 seats were reserved.

The grievance of the petitioner is that even as only 9 candidates turned up against the 29 vacancies, the respondent authority has not come out with the second merit list. Admittedly in the first merit list the name of the petitioner does not appear. There is no waiting list.

Learned counsel for the petitioner submits that this Court may issue a writ in the nature of mandamus directing the respondent authorities to publish second merit list as the petitioner expects that in the second merit list his name would definitely appear.



A counter affidavit has been filed on behalf of the respondent nos. '4' and '5'. It is stated therein that against 29 posts, 29 candidates were selected and they were invited for appointment but only nine candidates joined. It is also the specific case of the answering respondents that vide Annexure-'B' to the counter affidavit the selected candidates were called upon to submit their joining but they did not join.

Learned counsel for the State submits that the candidates whose name appeared in the first merit list were called for joining and since the name of the petitioner did not appear in the first merit list he was not called for joining. In this regard, learned counsel submits that there is a typographical error in paragraph '8' of the counter affidavit where it is stated that neither the petitioner nor other candidate came to join their posts. It is his further submission that as per notification of the Government dated 06.12.1995 and letter of the Director of BAMETI, Bihar dated 21.06.2021 the panel list is valid only for one year, therefore, the validity of the panel expired on 15.01.2021.

Learned counsel for the petitioner has though relied upon a judgment of the Hon'ble Madhya Pradesh High Court in the case of Shailesh Kumar Sonwane Vs. State of M.P. and



others decided on 09.09.2021, it is evident on perusal thereof that in the said case the petitioner was in the select list as waiting candidate.

In the present case, however, the petitioner was not kept in the waiting list. In such circumstance, this Court cannot issue a writ in the nature of mandamus directing the respondent authorities to publish a second merit list.

This writ application, thus, cannot succeed. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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