

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1696 of 2018**

**In**

**Civil Writ Jurisdiction Case No.6451 of 2008**

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Kundan Prasad Singh, S/o Jharu Prasad Singh, Resident of Village- Pakra,  
P.S. Naugachia, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The District and Session Judge, Patna.
3. The Registrar, Purnea Civil Court, Distt Purnea

... .. Respondent/s

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**Appearance :**

For the Appellant/s : None

For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 04-09-2023**

The appeal arises from the judgment of the learned Single Judge dismissing the writ petition. The writ petition sought for a mandamus to select and appoint the petitioner on a Class-IV post under the Purnea Judgeship. The appellant before the learned Single Judge claimed that he was appointed as an Ummidbar peon in 1994 in the Judgeship of Purnea and while he was continuing as such he applied under Advertisement No. 1/99, which called for applications for selection to the Class-IV



post. It was asserted that though the petitioner had made an application and a date was fixed for the interview, the interview was not conducted. Again the petitioner applied in pursuance to Advertisement No. 2/03 to the very same post, at which instance he was interviewed on 11.01.2008, but despite satisfactory performance he was not selected. The petitioner also had approached this Court with a writ petition in 2004 for regularising his services as peon which was withdrawn in the context of the subsequent advertisements under which he applied. It was asserted that he had worked as a Ummidbar Peon, Purnea from 1994 to 2001 and despite the attempt for regularisation and his name figuring in the list, he was eventually denied such regularisation and also appointment.

2. The respondents appeared and asserted that the petitioner was never appointed as a casual worker; rather he was enrolled as candidate Peon on 04.04.1994 till 24.04.1995. The work of the petitioner was not satisfactory and he absented himself without authorisation. All the 14 persons who were appointed as candidate peons worked till 1995 only and thereafter there was no such appointment made. The contention of the petitioner that he was appointed as Peon till 2001 was specifically denied and so was denied the contention of the



petitioner, that a list was prepared for regularisation in which he figured. The contention of repeated representations was also denied by the respondents. As for the advertisements made, the respondents admitted to three advertisements having been made; by the Advertisement Nos. 1/99, 2/03 and 3/07. The petitioner had appeared in the interview conducted on 04.01.2008 and not on 11.01.2008. His performance was found unsatisfactory and he did not figure in the select list. Fifty-two persons were selected as per the merit list and Serial Nos. 53 to 83 were in the waiting list; none of whom in the waiting list was appointed.

3. The learned Single Judge found that the petitioner merely asserted his appointment, as a casual worker without any substantiation and has made the prayer for appointment, merely on the ground of his own evaluation of the performance at the interview. There is no grievance raised against the advertisement issued, or the selection conducted through the interview. The petitioner, as was asserted by the respondents did not figure in the select list, due to his poor performance in the interview. It was also found that none of the selected candidates were impleaded in the writ petition.

4. We find absolutely no reason to interfere with the well considered judgment of the learned Single Judge. We



dismiss the appeal leaving the parties to suffer their respective costs.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

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