

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.89 of 2022

In
Civil Writ Jurisdiction Case No.20148 of 2018

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1. Yogendra Yadav @ Yogendra Prasad Yadav Son of Late Shital Prasad@Late Shital Yadav @Late Sita Ram Yadav Resident of Village - Akbar Nagar East Tola, Police Station - Akbar Nagar, District - Bhagalpur.
 2. Surendra Mishra, Son of Kapildeo Mishra, Resident of Village - Sultanpur, Post Office and Police Station - Raghunathpur, District - Siwan.
 3. Amod Kumar Singh, Son of Tej Narayan Singh, Resident of Village - Arya Tola Sabour, Police Station - Sabour, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Inspector General of Police, Govt. of Bihar, Patna.
2. The Inspector General Prison, Govt. of Bihar, Patna.
3. The Jail Superintendent, Special Central Jail, Bhagalpur.
4. Om Prakash Mishra, S/o Sri Prayag Mishra, R/o Manjitshah, P.S. - Raghunathpur, Distt. - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudish Kumar, Advocate

For the Respondent/s : Mr.Sanjay Kumar Ghosarvey, AC to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 29-08-2024 The appellants were persons who were appointed as Jail warders without any public advertisement. It is admitted that they were appointed on a temporary/adhoc basis and later terminated. The termination was challenged in a writ petition filed by a number of persons which was allowed. An appeal (LPA No. 1152 of 1997) was filed in which it was undertaken that the order of the learned Single Judge will be complied with.



When the appeal was disposed of, the State had raised allegations against the selection of the writ petitioners and the Division Bench permitted the State to enquire into it. The writ petitioners joined back and later were put through a selection process, in which the appellants failed. A further writ proceeding culminated in a Division Bench of this Court directing filing of a representation. The rejection of the said representation has given rise to the present proceeding.

2. The appellants were terminated, since they were not able to qualify in the test. The termination was not interfered with by this Court and even a request for relaxation of age to appear in further selection; since the petitioners had become over-age, was also declined.

3. The representation which led to the present writ petition was filed before the Inspector General of Prisons, Government of Bihar, Patna, for appointment as Jail warders in Bhagalpur, Special Central Jail against the vacant sanctioned posts available. The learned Single Judge dismissed the writ petition on the ground of the order dated 18.06.2012 rejecting the representation having been challenged after six years; relying on the decision of the Apex Court in *State of Jammu and Kashmir vs. R.K.Zalpuri and others AIR 2016 SC 3006*.



4. We also notice that the representation is filed to get appointment to sanctioned posts; which are public posts in the Government. Such posts have to be filled up in consonance with Article 14 and 16 of the Constitution of India by making public advertisement. There can be no back door appointments by the Inspector General of Prisons, Government of Bihar, Patna. The rejection of the representation was perfectly in order.

5. We find no reason to entertain the appeal and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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