

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4424 of 2020

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Ram Govind Yadav S/o Sri Ram Shankar Yadav R/o Village Balni, P.O. and
P.S. Bahera, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The Patna High Court through its Registrar, Patna.
2. The District and Session Judge cum Chairman Appointment Committee
Sheikhpura.
3. The A.D.J. cum Member No.1 Appointment Committee, Sheikhpura.
4. The Chief Judicial Magistrate cum Member No. 2 Appointment Committee,
Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Ashwini Kumar Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2024 Learned counsel for the petitioner and learned counsel
for the State are present.

2. The present writ petition has been filed for directing the respondents for issuance of appointment letter in favour of petitioner as per merit list published by the appointment Committee, Civil Court, Seikhpura.

3. Learned counsel for the petitioner submits that the petitioner's result was published in the waiting list candidate under backward class category. Counsel submits that the said result was published on 19.07.2017. The petitioner has filed representation on 04.10.2019 for consideration of his case before Registrar General, Patna High Court, Patna but till date



no decision has been taken, therefore, he has filed this writ petition.

4. Learned counsel for the respondent submits that from the claim made by the petitioner, the publication of merit list was made by the Appointment Committee of Seikhpura and not by the Registrar General, Patna High Court, Patna. Counsel further submits that this result was valid only for two years. It has been published on 22.05.2017 and its validity was only for two years i.e. upto 22.05.2019 whereas representation has been filed by him on 04.10.2019 before the Registrar General, Patna High Court, Patna and not before the Appointment Committee of Seikhpura. Counsel further submits that judgment dated 17.04.2010 passed by Hon'ble Division Bench of this Court in C.W.J.C. No. 14136 of 2017 in which it has been categorically held that all such process of selection should be cancelled and selection made afresh to the post according to the Patna High Court Rules, 2017. Counsel further submits that in the light of the said decision, the petitioner is not entitled for consideration.

5. In response of the submissions made by the counsel for the respondent, counsel for the petitioner has placed a judgment passed by Hon'ble Division Bench dated 19.04.2023 passed in L.P.A. No. 650 of 2022 with other analogous cases in



which the Hon'ble Court has directed the selecting/appointing authority to consider the case of the petitioner.

6. In the light of the submissions made by the parties, this Court is of the firm view that the petitioner ought to represent before the Selecting/Appointment Authority first and then he shall come to this Hon'ble Court. As such, this writ petition is disposed off directing the petitioner to avail the remedy by way of filing the representation within 30 days before the Selecting/Appointment Authority and the same is directed to pass a reasoned and speaking order on the representation filed by the petitioner considering all the points mentioned in the writ petition within 90 days from the date of production of fresh representation.

7. It is made clear to the Selecting/Appointment Authority that this Court has not decided this case on merit or demerit of this case and authorities are at liberty to decide this case on the merits.

8. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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