

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.798 of 2018

In
Civil Writ Jurisdiction Case No.1841 of 2006

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1. Dr. Sunil Kumar Roy and Ors Son of Sri Lal Vendra Roy Resident of Mohalla- Balbhdrapur Brahmsthan, P.O. P.S. Laherisarai, District- Darbhanga.
 2. Avinash Prasad Singh Son of late Manna Singh Resident of Village- Rasha East, P.O. P.S. - Bhagwanpur, District- Vaishali Bihar.
 3. Rajendra Prasad Yadav Son of Sri Moti Lal Yadav Resident of Village- Bariarwa, P.O. Bhagta, P.S. Bhoja, Via- Madhepura, District- MadhubaniBihar
 4. Dr. Kumar Anil Son of late Siya Ram Singh Resident of Village- Garhpar, P.O. P.S. Biharsharif, District- Nalanda.
 5. Ashok Kumar Singh Son of Sri Julumdhari Singh Resident of Flat No. 203, Amit Palace, Near Shivpuri Mandir, P.S. Srikrishnapuri, District- Patna.
 6. Iftikhar Arshad Son of Mahmood Arshad Resident of Mohalla- Chicktoli, P.S. Arrah, District- BhojpurBihar.
 7. Shahuid Akhtar Ansari Son of late Md. Rafique Anasari Resident of Village- Purani Bazar, P.O. Jhajha, P.S. Jhajha, District- Jamui.
 8. Dr. Naseem Ahmad Son of Abdur Rashid Resident of Village- Kalibagh, Bettiah, P.S. Bettiah, District- East ChamparanBihar.
 9. Ashok Kumar Son of Sri Yadubansh Rai Resident of Village- Keshopur, P.O. Balu Karama, District- Vaishali Bihar.
 10. Shamsuddin Ahmad Son of Md. Shahjada Resident of Village- Badutola Thawe, P.S. Thawe, District - Gopalganj.
 11. Dr. Ratish Kumar Son of late Raj Ballava Das Resident of at P.O.- Simara, Via- Jhanjharpur Bazar, District- Madhubani Bihar.

... .. Appellant/s

Versus

1. The Chancellor, Universities Of Bihar, Raj Bhawan and Ors
2. The Bihar State University Constituent College Service Commission through its Secretatry, Gokul Ma
3. The Chairman, Bihar State University Constituent College Service Commission, Gokul Marg, North Shr
4. The Patna University, Patna through its Registrar.
5. The Vice Chancellor, Patna University, Patna.
6. The Magadh University, Bodh Gaya through its Registrar, Bodh Gaya, District- Gaya.
7. The Vice Chancellor, Magadh University, Bodh Gaya, P.S. Bodh Gaya, District- Gaya.
8. The Veer Kunwar Singh University, Ara through its Registrar, P.S. Ara,



Nawadah, District- Bhojpur.

9. The Vice Chancellor, Veer Kunmwar Singh University, Ara P.S. Ara, Nawadah, District- Bhojpur.
10. The B.R. Ambedkar University, Muzaffarpur through its Registrar.
11. The Vice Chancellor, B.R. Ambedkar University, Muzaffarpur.
12. The L.N. Mithila University, Darbhanga through, Darbhanga.
13. The Vice Chancellor. L.N. Mithila Univeristy, Darbhanga. null null
14. The Tilka Manjhi University, Bhagalpur4 through its Registrar.
15. The Vice Chancellor, Tilka Manjhi University, Bhojpur.
16. The B.N. Mandal University Madhepura through its Registrar.
17. The Vice Chancellor, B.N. Mandal University, Madhepura.
18. The J.P. University, Chapra through its Registrar.
19. The Vice-Chancellor, J.P. University, Chapra.
20. Dr. Ramawtar Singh Son of Gobardhan Prasad Resident of Village- Ambabigha, P.S. Rajwara, P.S. Atri, District- GayaBihar.
21. Dr. Sheela Verma Wife of Sri Devendra Kumar Resident of C/o Devendra Kumar Jail Superintendent, Jamui P.S. Jamui, District- Jamui.
22. Jai Rekha Ranjan Son of late Rajiv Ranjan Resident of Village- Kurkuri, P.S. Phulwarisharif, District- Patna.
23. Dr. Kumar Ramjee Prasad Singh Son of late Babu Deogati Singh Resident of Village- Kole- Manghauli, P.O. Sonoura, P.S. Mali, District- AurangabadBihar.
24. Hemant Kumar Himanshu Son of Sri Ram Janak Singh Resident of C/o Sri Raghunath Singh, Near Shiv Mandir Pustakalya Lane, East Lohanipur, P.O. P.S. Kadamkuan, District- Patna.
25. Nabin Chandra Pathak Son of late G.S. Pathak Resident of Village- Barauni-II, P.O.- Barauni Deorhi, P.S. Teghra, District BegusaraiBihar.
26. Sumitra Kumari Wife of Sri Anil Kumar Tiwari Resident of Village- Koransarai, P.S. Koransarai, District- BuxarBihar.
27. G.G. Ahmad Shadab Son of Shed Mukhtar Ahmad Resident of Village- Azarvilla, Pokharia, P.S. Begusarai, District- Begusarai Bihar.
28. Mohamad Ahmad Son of Mr. Mohammad Alam Resident of Village- Bhagawata, P.O. Tara Bariarpur, District- BegusaraiBihar.
29. Kumari Neelima Verma Son of Sri Shyam Bihar Verma Resident of Village P.O. Tara Bariarpur, District BegusaraiBihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Singh
For the Respondent/s	:	Mr.Syed Firoz Raza
For the Chancellor	:	Mr. Janardam Singh
For the J.P. University	:	Mr. Bindhyachal Rai
For the L.N.M.U	:	Ms. Alka Verma



For the B.N. Mandal : Mr. Ritesh Kumar
For the B.R.A. University : Mr. Bindhychal Rai
For the VKSU : Mr. Rajesh Pd Chaudhary

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-03-2024

In the present LPA, appellants have assailed the order of the learned single judge dated 28.03.2018. Appellants were all candidates for recruitment to various lecturer post pursuant to the Advertisement No. 2 of 1997 notified on 10.04.1997. They were not selected and hence they have filed CWJC No. 1841 of 2006 and it was dismissed on 28.03.2018 hence, the present LPA. No doubt, their names were reflected in the select list notified on 08.12.2002. However, they were not appointed may be on merits that they are lesser merited than the last selected candidate in respect of each of the subject read with the social reservation category or general merit category. We have noticed that if the appellants are more merited than the selected and appointed candidates in that event there is no challenge to the appointment of such of those persons who are lesser merited than the appellants.

2. Learned counsel for the appellant submitted that commission have asked the petitioner to approach the Jharkhand officials in the absence of order of appointment issued in favour of the appellants, there is not point in asking the appellants to approach officials of the Jharkhand. Now, it is stated that appellants intends to implead such of those lesser merited candidates who have been appointed. It is too



late. They should have resorted to such exercise of impleading such of those persons who are alleged to have lesser merited than the appellants in the writ proceedings and it is not permissible in LPA. Taking note of these material information, we find there is no infirmity in the order of the learned single judge dated 28.03.2018 passed in CWJC 1841 of 2006 .

3. Merely, appellants name are reflected in select list dated 08.12.2002 that does not enure to the benefit of the appellants in seeking appointment. In other words, no right has created, merely appellants name are reflected in the select list. Even they cannot be accommodated against future vacancies in other words, beyond the vacancies notified on 01.04.1997 (advertisement) in the light of the Hon’ble Supreme Court decision in the case of *Vivek Kaisth and another Vs. State of Himachal Pradesh and Others* reported in *(2024) 2 SCC 269*.

4. Accordingly, LPA stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

