

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15865 of 2023

Md. Qamar Touhid, Son of Asfaque, Resident of Noori Nagar, Khajanchi Hat,
District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Director, Bihar Administrative Reforms Mission Society, General Administration Department, Patna.
4. The I.T. Manager, Purnea, General Administration Department, Bihar.
5. The Commissioner, Purnea Division, Purnea.
6. The District Magistrate, Purnea.
7. The Additional Collector, Purnea.
8. The Sub-Divisional Officer, Baisi, Purnea.
9. The Deputy Development Commissioner, Purnea.
10. The Block Development Officer, Amour, Purnea.
11. Chanchal Kumar, S/o Narendra Narain Singh, resident of Court Station Road, Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma
For the Respondent/s : Mr. Sheo Shankar Prasad (SC 8)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 29-04-2024 1. The petitioner has filed the instant writ petition for
the following reliefs:-

*i. Respondents be directed to
consider the case of the petitioner for the
post of Block I.T. Assistant as per the
direction given by the Divisional
Commissioner, Purnea to the then District
Magistrate for making appointment as*



per law so giving nod in favour of the petitioner for his appointment to the post of Block I.T. Assistant.

ii. Respondents be directed to grant all the consequential benefits to the petitioner for which he is legally entitled to the facts and circumstances of the case.

iii. Any other relief or reliefs be granted to the petitioner for which he is legally entitled to in the facts and circumstances of the case for the ends of justice.

2. It is the case of the petitioner that during 2011-2012, a recruitment drive was initiated for the post of Block I.T. Assistant for smooth functioning of the work related to I.T. in the Block level as per direction of the State Government. After requisite selection process, the petitioner's name was appearing at Serial No. 11 in the merit list. On or about 15th of May, 2012, final list was published and the candidates at Serial No. 1 to 10 got the employment. The petitioner made a representation before the learned District Magistrate as well as the Divisional Commissioner of Purnea but it is of no effect. On 19th of August, 2013, the Director of Mission Society requested for appointment of Block I.T. Assistant according to seniority in the merit list. A new vacancy was created as per the resolution for appointment



of Block I.T. Assistant and the Mission Society issued the notification inviting application. The petitioner submitted another representation on 17th of September, 2014 before the District Magistrate, alleging, inter alia, that though his name was appearing in the merit list of I.T. Assistant in the year 2011-12 at Serial No. 11, without giving him appointment, a new vacancy was created and applications were sought for, for the appointment of Block I.T. Assistant in Mission Society. Subsequently, one after another, representation has been filed by the petitioner but the concerned authority did not pay any heed to such representation. Finally, on 6th of February, 2023, the concerned Officer of Bihar Administrative Redressal Mission Society wrote a letter to the District Magistrate, Purnea with a request to consider the representation/application filed by the petitioner before him and take a decision as per the law/rule regarding his appointment.

3. It is contended by the learned Advocate for the petitioner that the District Magistrate, Purnea did not consider the said letter, dated 6th of February, 2023, issued by the competent Officer of the Mission Society.

4. Hence, the instant writ petition.

5. It is submitted by the learned Advocate for the



State-Respondents that life of a panel of recruitment is for one year. It is admitted by the petitioner himself that the panel of Block I.T. Assistant was prepared during the year 2011-12. The said panel had its life for one year. As per the merit list, first 10 candidates were appointed as Block I.T. Assistant.

6. It is contended on behalf of the petitioner that amongst the said 10 candidates, 3 candidates ought to have been disqualified on the ground that they had no requisite qualification but the authority did not consider their lack of qualification and mentioned their names in the merit list. Moreover, it is submitted by the learned Advocate for the petitioner that Respondent No. 11 was appointed outside the merit list.

7. The learned Advocate for the State has raised a pertinent issue that when the merit list remained in force for one year and subsequent vacancy was declared and selection process was made, the petitioner had no right to challenge the appointment made during 2011-12. He also cannot challenge the subsequent vacancy only on the ground that his name was in the panel. Selection to a post in the panel may afford a reasonable expectation for appointment of the petitioner but on such reasonable expectation, the petitioner cannot pray for any



command or direction upon the Administrative Authority for his appointment.

8. It is, however, pleaded by the petitioner that Private Respondent No. 11 was appointed in respect of the vacancy created in the year 2011-12 outside the merit list.

9. This Court is not in a position to ascertain such allegation as made by the petitioner. Therefore, the instant writ petition is disposed of, directing the District Magistrate, Purnea to dispose of the representation of the petitioner along with the forwarding letter dated 6th of February, 2023 issued by the competent Officer of Bihar Administrative Redressal Mission Society within 10 weeks from the date of this order.

10. It is made clear that if the panel of 2011-12 is alive and Private Respondent No. 11 was given appointment in respect of the vacancy of 2011-12 outside the merit list, then only the case of the petitioner shall be considered.

(Bibek Chaudhuri, J)

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