

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1211 of 2023

In
Civil Writ Jurisdiction Case No.183 of 2022

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1. Pankaj Thakur son of Surendra Thakur, Resident of Village-Chatar, Police Station-Makhdumpur, District Jehanabad.
 2. Neelam Devi, Wife of Pankaj Thakur, Resident of Mohalla-Samir Takia, Durga Asthan, Geval Bigha, Police Station-Civil Lines, District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Law Secretary, Department of Law, Government of Bihar, Patna.
2. The District and Sessions Judge, Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dileep Kumar Jha, Advocate
For the State	:	Mr.Gyan Prakash Ojha (GA-7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-04-2024

The appellants are aggrieved by the judgment of the learned Single Judge which refused to interfere with the order passed by the District Magistrate regarding the selections carried out in the year 2016.

2. The learned counsel for the petitioner specifically relied on the judgment of this Court in *Bihar Yuva Adhiwakta Kalyan Samittee v. Patna High Court 2018 (2) PLJR 649*. It is their contention that despite the selection having been carried out, in which both of them participated, they have not been



appointed.

3. We have also gone through the writ petition in which the petitioner seeks for setting aside the order dated 29.10.2021 and a mandamus commanding the 2nd respondent to appoint the petitioners in the Class IV posts at Gaya Judgeship.

4. We specifically look at the orders passed. The challenge was with respect to an Advertisement No. 01 of 2016 published on 10.02.2016 as per Bihar Civil Court Staff (Class II & Class IV) Rules, 2009. There were two lists prepared, one of 36 successful candidates and waiting list of 18 candidates which were also published. It is specifically stated that the petitioners did not figure in any of these two lists. Reference was also made to the judgment of this Court cited by the petitioners. The District Judge rightly found that this Court had clarified that the appointments already made under the Rules of 2009 shall not be disturbed, especially in cases where appointment orders have been issued and the selected candidates have joined service. This is the specific circumstance under which the selected candidates were continuing.

5. We find absolutely no reason to interfere with the orders impugned since both the petitioners did not even figure in the select list. The selection insofar as those appointed were also



not disturbed by the cited decision.

6. The writ appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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