

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13408 of 2012

Sanjay Kumar S/O Sri Rajendra Sah R/O Village- Arjya Samaz Road, Near
Natraj Press, P.O.- Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. The Chairman District Legal Services Authority, Munger, District- Munger
2. The Secretary District Legal Services Authority, Munger, District- Munger
3. Sushil Kumar Son of Birendra Kumar, Resident of Village/ Mohalla- Bigha Jamalpur, P.O. and P.S.- Shekhpura, District- Shekhpura, Pin Code- 811105.
4. Amritash Kumar Son of Shesh Nath Kushwaha, Resident of Village/ Mohalla- Chhoti Kelawari, Police Station - Kotwali, District- Munger, Pin Code - 811204.
5. Santosh Kumar Son of Durga Prasad Sah, Resident of Village/ Mohalla- Guljar Pokhar, P.O. and P.S.- Munger, District- Munger, Pin Code- 811204.
6. Swatantra Kumar Jyoti Son of Shri Shiv Shankar Jyoti, Resident of Village/ Mohalla- New Gangotri, Madhepur, P.O. and P.S.- Munger, District- Munger, Pin Code - 811204.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Rajeev Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC-5 Mr. Kumar Pankaj, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 22-09-2025

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application praying for a direction to the respondents especially the Chairman and Secretary of the District Legal Services Authority ('DLSA' in short), Munger to accept the joining of the petitioner on the post of Clerk in view of the joining letter dated



30.1.2012.

3. The case of the petitioner in brief is that the respondent authorities having come out with Employment Notice no.1&2/2011 for appointment on the post of Clerk and some other posts in the permanent Lok-adalat and DLSA, Munger, Lakhisarai and Sheikhpura, the petitioner applied for the post of Clerk in the Backward Class (BC) category. Having qualified in the written test as also in the interview, the respondents put up a notice on 30.1.2012 on the notice board wherein of the seven persons the name of the petitioner figured at Serial no.5.

4. As per the petitioner's case, appointment letters were issued on 30.1.2012 asking the persons concerned to give their joining by 27.2.2012. The said letter provided that the appointment was absolutely temporary and not finding the service to be satisfactory, the appointment could be set aside without any prior information.

5. It is the case of the petitioner that prior to the date of joining i.e. 27.2.2012, the petitioner and others were communicated that a new date for the candidates to join would be intimated by the DLSA, Munger. In spite of the petitioner meeting the Secretary of the DLSA no date was given to the



petitioner and instead the respondents came out with another notice on 4.7.2012 on the notice board in which a new list of selected candidates for the post of Clerk was published and wherein the name of the petitioner was not figuring.

6. It is submitted by learned counsel for the petitioner that the first select list on the notice board in the Office of the Chairman of the DLSA, Munger followed by the issuance of the appointment letter, without cancelling the same the respondents could not have come out with a new select list. It is further submitted that in the new select list while the names of the petitioner, Gaurav Sinha and Mrinal Kumar Mishra were dropped, the names of Amritash Kumar and Sushil Kumar were included. It is thus submitted that the action of the respondents not being sustainable, the same be set aside and the respondents be directed to accept the joining of the petitioner.

7. In response it is submitted by learned counsel for the respondents that the selection process for the advertisement in question having been initiated on 29.1.2011, the respondents came out with the initial select list. It subsequently transpired that inadvertently the reservation policy as mandated by *Sankalp* no.2374 dated 16.7.2007 had not been followed and errors had occurred in finalising the select list. In these



circumstances, the Appointment Committee having obtained the approval of the Hon'ble Executive Chairman, Bihar State Legal Services Authority, Patna (BSLSA) came out with a formal notice contained in Memo no.381-86 dated 21.4.2012 which was put up on the notice board of the Incharge Secretary, DLSA. The notice categorically stated that the first select list dated 15.1.2012 had been cancelled due to the discovery of the errors which had crept therein. It is further stated that consequently the appointment letter which was previously issued by the Office of the DLSA also be treated as having been cancelled. The notice stated that the DLSA would be coming out with a second select list. It was pursuant thereto that the respondents came out with a new select list following the reservation policy of the State Government. As per the policy, the petitioner did not figure in the same. It is submitted that there is no merit in the instant application and the same be dismissed.

8. Heard learned counsel for the parties and perused the material on record.

9. The relevant facts in brief are that the respondents came out with Employment Notice no.1&2/2011 for appointment on various posts in the permanent Lok-adalat and the DLSA, Munger, Lakhisarai and Sheikhpura. The petitioner



applied for the post of Clerk in the BC category. Having cleared the written test as also the interview, the name of the petitioner figured in the select list and he was issued with a letter/communication dated 30.1.2012 asking him to give his joining by 27.2.2012. The respondents subsequently having realised that the reservation policy as mandated in *Sankalp* no.2374 dated 16.7.2007 of the State Government had not been followed came out with a notice on the notice board of the Chairman, DLSA, Munger on 21.4.2012 stating therein that the appointment pursuant to which the select list had been published on 15.1.2012 had been cancelled. Consequently the appointment letters issued to the candidates whose names figured in the said select list had also been cancelled. The notice further stated that the respondents would soon be coming out with another select list. On the respondents coming out with another select list following the reservation policy, the name of the petitioner did not figure therein.

10. On further perusal of the letter dated 26.4.2013 (Annexure-R/5) of the DLSA to the BSLSA it transpires that the two successful persons of the first select list i.e. Swatantra Kumar Jyoti (Roll no.135) and Santosh Kumar (Roll no.150) were both selected in the EBC category. On the basis of the



marks obtained by them it was found that they had become eligible for selection in the General/Unreserved category. Accordingly as per the State policy contained in *Sankalp* no.2374 dated 16.7.2007, both of them were shifted to the General/Unreserved category and the respondent-DLSA came out with a corrected merit/select list wherein the petitioner could not find a place.

11. In view of the facts and circumstances stated herein above, the Court finds no error in the action of the respondent-authorities in applying the reservation policy and in coming out with a corrected merit/select list. In addition to the fact that the petitioner had not even joined his place of posting, the letter of appointment clearly stated that the appointment was absolutely temporary.

12. In view of the above, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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CAV DATE	N/A
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