

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.551 of 2022

In
Civil Writ Jurisdiction Case No.23706 of 2018

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Meera Kumari Wife of Ravi Shankar Rai, Daughter of Umesh Prasad
Resident of FF-3, Plot No.- 90, Shalimar Garden Ext-1, Sahibabad, Gaziabad
(Uttar Pradesh), Permanent Resident of Jhopri New Market C.T.O. Road
Dhurva, Ranchi, Jharkhand

... .. Appellant/s

Versus

1. The Indira Gandhi Institute of Medical Sciences Shekhpura, Patna through its Chairman.
2. The Member Secretary, Board of Governors, Indira Gandhi Institute of Medical Sciences, Shekhpura, Patna.
3. The Director, Indira Gandhi Institute of Medical Sciences, Shekhpura, Patna.
4. Ms Shubham Shree, newly appointed Medical Social Services Officer, Grade-II, Indira Gandhi Institute of Medical Sciences, Shekhpura, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prashant Sinha, Advocate
For the Respondent/s : Mr.Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 02-07-2025

Re: I.A. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay.

There is a delay of about 26 days in filing L.P.A. No.551 of 2022.

2. For the reasons stated in the application read with the affidavit, delay of about 26 days in filing L.P.A. No.551 of 2022 stands condoned.



3. Accordingly, I.A. No. 01 of 2022 stands allowed.

LPA No. 551 of 2022

4. Appellant has assailed the order of the learned Single Judge dated 18.08.2022 passed in CWJC No. 23706 of 2018. The appellant-Meera Kumari and contesting respondent-Shubham Shree were candidates for recruitment to the post of Medical Social Service Officer, Grade-II, pursuant to Advertisement No. 03/IGIMS/ESTT./2018 (Annexure-1) to the writ petition.

5. Appellant filed CWJC No. 23706 of 2018 seeking writ of mandamus directing the competent authority to appoint her to the subject matter or post. During pendency of CWJC No. 23706 of 2018, the official respondents proceeded to revise the process of selection and proceeded to appoint contesting respondent Shubham Shree on 05.12.2018. Resultantly, appellant has filed interlocutory application seeking declaration that contesting respondent's appointment is not in order. Interlocutory application was allowed to question contesting respondent's appointment. Thereafter the matter was heard and dismissed.

6. Core issued involved in the present *lis* is having regard to the fact that both appellant and contesting respondent



have secured 35 marks in the written examination read with their date of birth as 12.12.1986 and 03.07.1986 respectively. The Principle of Senior in age is entitled to selection & appointment when two persons have secured same marks has been adhered by the selecting authority. The same has been taken note of by the learned Single Judge and he has proceeded to dismiss the writ petition. Feeling aggrieved by the order of the learned Single Judge the present LPA has been filed.

7. Learned counsel for the appellant submitted that without revising the provisional select list and having regard to the fact that the appellant has been selected and contesting respondent-Shubham Shree has been kept under waiting list just below the appellant, the official respondents are not correct in issuing order of appointment to contesting respondent.

8. No doubt certain procedures have not been undertaken by the official respondents. Assuming that if the same is rectified, still appellant has no case on merit for the reason that appellant and contesting respondents have secured 35 marks in the written examination. In that event, Principle of Senior in age would spring into action for the purpose of consideration of senior person for the purpose of selection and appointment.



9. In the light of these facts and circumstances, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 18.08.2022 passed in CWJC No. 23706 of 2018.

10. Accordingly, LPA stands dismissed.

11. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	NA

