

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.351 of 2026

In
Letters Patent Appeal No.582 of 2018

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Devashish Thakur S/o Awadhesh Thakur, Resident of Mohalla- Chunabhathi,
near Mithu Mandir Chowk, P.S.- University Campus, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd., through its Chairman-cum-Managing Director, Bihar.
2. Sri Manoj Kumar Singh, Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. Sri Vinay Kumar, Deputy General Manager (Human Resources and Administration), Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. Sri Ram Anugrah Narayan Singh, General Manager, (Human Resources and Administration), Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rohit Kumar, Adv.
For the Opposite Party/s :	Mr. Lalit Kishor, Sr. Adv.
	Mr. Shubham Saurav, Adv.
	Mr. Kanishka Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 08-04-2026 Heard learned counsel for the parties.

2. The present application has been preferred by the petitioner alleging non-compliance of the order dated 20.06.2019 passed in LPA No. 582 of 2018, wherein the following observations and directions were made by a co-ordinate Bench of this Court:

"Having considered the submissions



raised and having gone through the judgements cited at the Bar; we clearly find that the issue raised with regard to appointment from the same merit list in respect of the posts that had been left un-filled due to non-joining had been raised in the representation, in the writ petition as well as in the supplementary affidavit filed before the learned Single Judge. We do not find any consideration of the said issue either in the order impugned passed by the Chairman-Managing Director or in the impugned judgement. The reason given in the impugned order by the Chairman-cum-Managing Director to the effect that no panel of candidates was notified so as to continue the appointment furthermore is clearly contradicted by the action of the respondent-Power Holding Company Limited in matters of such appointment as is clearly established from a perusal of Annexure-10/1 appended along with the supplementary affidavit filed in CWJC No.7113 of 2016. The reason, therefore, given by the Chairman-cum-Managing Director in the order dated 15.02.2016 is unsustainable. The second reason given that the service conditions of the candidates already selected has intervened and their consolidated pay structure has been converted into regular pay scale also does not stand to reason inasmuch as the same absolutely has no nexus with the nature of the issue raised, namely, if the post has been left unfilled and is vacant then it can be offered to the candidate from the same merit list. The reason, therefore, having no nexus with the direction given by this Court for consideration also does not stand to reason. Thus the order dated 15th February, 2016 on both counts cannot be upheld. The learned Single Judge has also not delved into this issue and has not recorded any finding.

Consequently, for the aforesaid reasons, the order dated 15th February, 2016 as well as the impugned judgements dated 23.08.2017 and 26.03.2018 of the learned Single Judge in CWJC No.7113 of 2016 and CWJC No.5041 of 2016 respectively cannot be sustained and are hereby set aside. The appeals are allowed.

The respondent-Chairman-cum-Managing Director is commanded to take a fresh decision keeping in view the aforesaid facts and circumstances



within a period of three months in the light of the observations made hereinabove and intimate the appellants accordingly."

3. Mr. Lalit Kishor, learned senior counsel appearing on behalf of the opposite parties submits that in compliance of the order dated 20.06.2019, a detailed order has already been passed by the authority concerned vide letter No. 1542 dated 21.11.2025 (Annexure-P/6).

4. Considering the fact that, in compliance of the order dated 20.06.2019, an order has already been passed by the authority concerned, this Court is of the view that no further order is required to be passed in the present matter. If so advised, the petitioner shall be at liberty to challenge letter No. 1542 dated 21.11.2025 in accordance with law.

5. With the aforesaid liberty, the present application stands disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

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