

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.389 of 2022

In
Civil Writ Jurisdiction Case No.5 of 2018

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Amit Ranjan S/o Yogendra Paswan, Resident of Basudeva Murli Basantpur,
P.S. and P.O. - Saharsa, District - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Directorate of Employment and Training
Labour Resources Department, Patna, Bihar.
2. The Collector, Saharsa.
3. Principal Industrial Training Institute, Saharsa.
4. Navin Kumar, Guest Lecturer, ITI Saharsa.
5. Mukesh Kumar, S/o Sri Ravindra Prasad Sah, Resident of Village - Batraha,
P.O. and P.S.- Saharsa, District - Saharsa.
6. Kumari Sangita, D/o Bhupendra Prasad Yadav, At- Dumrail Lakshminia
Chowk, Ward No. - 34, P.O. and P.S - Saharsa, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Respondent/s : Mr. Sarvesh Kr. Singh, AAG-13

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 24-03-2026 Heard learned counsel for the parties.

2. The present *intra* Court appeal has been preferred
against the order dated 04.07.2022 passed in C.W.J.C. No. 5 of
2018, whereby the writ petition was partly allowed, and the



learned Single Judge had set aside the selection process that was conducted. Further, directions were issued for conducting fresh selection process.

3. The brief facts of the case are that an advertisement was issued for appointment to the post of Guest Lecturer at ITI, Saharsa. The appellant and the private respondents had participated in the same. The appellant was initially selected for the said post, however, the selection was challenged in the impugned writ petition which came to be partly allowed.

4. The learned Single Judge, while disposing C.W.J.C. No. 5 of 2018, had set aside the selection process on the ground that there were several interpolations in the merit list that was prepared. The relevant part of the order of the learned Single Judge is reproduced hereinbelow:-

“7. Considering that there are several interpolations in the entire merit list prepared, and that in absentees were included the selection cannot be said to be justified, fair and transparent. The entire selection therefore cannot be allowed to sustain.

8. Accordingly, the selection conducted for under the advertisement for the Lecturer/I.T.I. are quashed and set aside.

9. The respondents are now directed to



conduct a fresh selection by following a fair and transparent manner by inviting applications and conducting demo classes and only those who have participated therein, ought to be allowed to be included to be an integral of the selection. If in the said merit list the petitioners find their place, they shall be considered and appointed.

10. The writ petition is partly allowed.”

5. Learned counsel for the appellant submits that the learned Single Judge had wrongly considered some markings which were made by students as interpolations and any overwriting made by students in the demo-classes should not be considered as interpolation. Learned counsel further submits that in the present case, the appellants are degree-holders and the private respondents are diploma-holders. As such, the appellant would be given preference in selection for the said post. Learned counsel, therefore, submits that in any case, the writ-petitioners would not have succeeded in the selection process.

6. Learned counsel for the State submits that the order of the learned Single Judge requires no interference by this Court and the present appeal is fit to be dismissed.

7. The Writ Court had come to the finding that there were several interpolations in the entire merit list prepared and,



for the said reason, the learned Court interfered with the advertisement in question. Upon perusal of materials on record, it is evident that the chart prepared by the respondent for selection of the said post has overwriting/marks which was rightly considered by the learned Single Judge as interpolation.

8. Further, by virtue of the impugned selection of the appellant, no indefeasible right of petitioner has accrued to hold the said post. Therefore, in view of the observations made by the learned Single Judge in paragraph 8 and 9 of the impugned order, the petitioner could not have any valid grievance against the fresh selection process, as directed by the learned Single Judge.

9. Thus, the appellant has been unable to substantiate the grounds of the present appeal to dislodge the findings of the learned Single Judge. The scope of a Letters Patent Appeal is very limited and normally in absence of cogent reasons, Division bench would not differ from a finding of fact recorded by learned Single Judge. The relevant paragraph of the Judgment of the Hon'ble Supreme Court in ***Umabai v. Nilkanth Dhondiba Chavan***, reported in ***(2005) 6 SCC 243***, is reproduced as under:

“52. It may be, as has been held in Asha Devi

[(1974) 2 SCC 492] that the power of the appellate court in



intra-court appeal is not exactly the same as contained in Section 100 of the Code of Civil Procedure but it is also well known that entertainment of a letters patent appeal is discretionary and normally the Division Bench would not, unless there exist cogent reasons, differ from a finding of fact arrived at by the learned Single Judge. Even as noticed hereinbefore, a court of first appeal which is the final court of appeal on fact may have to exercise some amount of restraint.”

10. It is also relevant to take note of the Judgment of the Hon'ble Supreme Court in **Narendra & Co. (P) Ltd. v. Workmen**, reported in **(2016) 3 SCC 340**, wherein the Court held that merely on the ground that another view is possible, the order of the Single Judge should not be interfered with. The relevant paragraph of the said Judgment is reproduced as under:

“5.Be that as it may, in an intra-court appeal, on a finding of fact, unless the Appellate Bench reaches a conclusion that the finding of the Single Bench is perverse, it shall not disturb the same. Merely because another view or a better view is possible, there should be no interference with or disturbance of the order passed by the Single Judge, unless both sides agree for a fairer approach on relief.”

11. In view of the facts and materials on record, the discussions made above and the decisions of the Hon'ble



Supreme Court as referred above, we find no illegality or perversity in the order passed by the learned Single Judge.

12. Accordingly, the present *intra* Court appeal stands dismissed.

13. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

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