

**(2005) 03 PAT CK 0089**  
**In the Patna High Court**  
**Case No : CWJC No. 345 of 2000**

Balram Malakar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision :** 22-03-2005

**Acts Referred:**

**Citation :** (2006) 1 PLJR 682

**Hon'ble Judges :** Shiva Kirti Singh, J

**Bench :** Single Bench

**Advocate :** Rajesh Kumar, Ram Suresh Roy, for the Appellant; Md. Kamaluddin, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Shiva Kirti Singh, J.—Heard the learned counsel for the petitioner and the learned counsel for the State. Petitioner participated in the selection process for appointment to the post of Jeep Driver of Tuberculosis Control Programme as per an advertisement published by the concerned authority as Advertisement No. 01/97.

2. It has been submitted on behalf of the petitioner that although a writ petition has been dismissed by a Division Bench in the case of Arun Kumar Ojha and Another Vs. State of Bihar and Others but in that case one aspect of the matter was not properly canvassed and considered. According to the learned counsel for the petitioner no preliminary test could be held in respect of the persons who were earlier appointed by Dr. Mallik and had been removed from service on the ground of illegal appointment but petitioner's case falls for consideration in view of direction of the Apex Court in the case of Ashwani Kumar and Others Vs. State of Bihar and Others, .

3. On going through the Division Bench Judgment this Court finds that the same aspect of the controversy was considered by the Division Bench which took notice of various objections raised before the monitoring bench and disposed of

by an order dated 11.5.99.

4. Thus, this Court is satisfied that the case of the petitioner must be governed by the Judgment of the Division Bench in the case of Arun Kumar Ojha vs. the State of Bihar. Accordingly, this writ petition is dismissed.