
(2012) 04 PAT CK 0003
In the Patna High Court
Case No : CWJC No. 9321 of 2007

Dayanand Singh and Others	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 05-04-2012

Acts Referred:

Citation : (2012) 4 PLJR 217

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Advocate : Manish Kumar, Rajesh Bharadwaj, for the Appellant; Kundan Kumar, for the Respondent

Final Decision : Dismissed

Judgement

V.N. Sinha, J.—Heard learned counsel for the petitioners and the State. Petitioners were applicant for the post of Constable pursuant to Advertisement No. 1/1992. Having participated in the selection process they were included in the Select List comprising of 305 selectees. From amongst the 305 selectees only 265 selectees were appointed. No appointment was made against the remaining 40 vacancies as Advertisement No. 1/1993 was already issued by then. Others like the petitioners approached this Court that State-respondents be directed to fill up the remaining 40 vacancies of Advertisement No. 1/1992 from amongst the selectees included in the panel prepared pursuant to Advertisement No. 1/1992. In compliance of the order of the Hon'ble Supreme Court petitioners and 34 other selectees pursuant to Advertisement No. 1/1992 were appointed under Appointment Letter dated 18.9.1996, Annexure-3.

2. This writ petition has been filed praying, inter alia, to direct the State-respondents to grant the petitioners and others appointed under Appointment Letter dated 18.9.1996 the same seniority which was allowed to the members of their batch who were earlier appointed pursuant to Advertisement No. 1/1992 in the year 1993.

3. State-respondents have not granted such relief on the ground that before issue of the appointment letter dated 18.9.1996, Annexure-3 in compliance of the order of the Hon"ble Supreme Court dated 2.1.1996, Annexure-1 others were appointed as Constable pursuant to Advertisement Nos. 1/1993 and 1/1994.

4. Learned counsel for the petitioners submits that by not granting the petitioners and others the same seniority which has been allowed to the members of their batch who were earlier appointed in the year 1993 the authorities have discriminated against the petitioners as there is no valid reason for not granting the petitioners the same seniority which has been given to the members of their batch.

5. Having heard counsel for the parties, I regret not to accept the submissions raised by the learned counsel for the petitioners in view of the fact that others appointed pursuant to Advertisement No. 1/1992 were above the petitioners in the panel of selectees published pursuant to Advertisement No. 1/1992 petitioners being below, the authorities in their discretion had chosen not to appoint them against the remaining vacancies of Advertisement No. 1/1992 but in compliance of the orders of the Hon"ble Supreme Court dated 2.1.1996, Annexure-1 the authorities had no option but to appoint the petitioners and other under appointment letter dated 18.9.1996, Annexure-3 meanwhile others pursuant to Advertisement Nos. 1/1993, 1/1994 stood already appointed in 1993, 1994, as such, petitioners cannot be allowed to claim seniority of 1993 because they have been appointed subsequently under appointment letter dated 18.9.1996 and should be given seniority from the date of their appointment. In view of my discussions above, I do not see any merit in the writ petition which is dismissed.