
(2000) 02 PAT CK 0139
In the Patna High Court
Case No : C.W.J.C. No. 5113 of 1998

Rajesh Kumar Gupta and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 01-02-2000

Acts Referred:

Citation : (2000) 1 PLJR 1022

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the parties. The petitioners have preferred this writ petition for direction on the Respondents to consider their cases for appointment against Class III and IV posts in Patna Medical College, Patna.

2. It appears that the Respondents issued advertisement in January, 1990 in newspaper for appointment against number of Class-III and IV posts. In pursuance of said advertisement, a number of persons including petitioners applied.

3. According to the petitioners, interview thereafter held, but no formal order of appointment was issued.

4. The process of selection having not finalised even after six years, one Ajay Kumar Prasad Yadav and others moved this Court in C.W.J.C. No. 9701/96, wherein this Court taking into consideration the fact that advertisement issued published, interview letters issued, vide order dated 28th August, 1997, directed the Director-in-Chief, Health Services to decide the grievance on receipt of their representations, within two months.

5. The representation, in question, has been rejected, vide impugned order dated 24th December, 97.

6. The sole ground given for rejection of the representation of those writ

petitioners given is that there is nothing on the record to suggest that the posts were advertised and selection made. However, nothing is stated in respect of individual documents, as were placed before him, including the advertisement published in Newspaper "NAV BHARAT TIMES" on 28th Jan. '90, as also the interview letters which were issued to one or other persons.

7. On the other hand, from the office note, as enclosed by petitioners annexure-7, it appears that the Principal, Patna Medical College, Patna produced a large number of documents to show the step taken for selection out of the advertisement, in question. The petitioners have also produced and enclosed individual interview letters issued on 25th November, 1993 (Annexure-9 series), wherein they were asked to appear in the interview with records on 25th December, 1993 (Sunday). The names of District Employment Exchanges were also shown therein.

8. In the facts and circumstances, the process of selection having started in 1990, the Respondents cannot reject the claim on ground that the interview had not taken place and the selection list was not on record. If those documents are not available, they are to issue fresh interview letters to those who earlier applied in pursuance of the advertisement dated 28th January, 1990 and were called for interview. Thereafter, on selection, the appointments should have been made.

9. It has been brought to the notice of the Court, that after the advertisement, no regular appointment has been made, but the ad hoc arrangement is being made by engaging, persons on daily wage.

10. In the circumstances, I direct the Respondents, Principal, Patna Medical College, Patna to complete the process of selection in pursuance of advertisement dated 28th January, 1990. If so required, he may come out with a fresh notice asking the individuals to produce evidence like interview letter etc. to show that one or other candidates applied for appointment in pursuance of advertisement aforesaid.

11. On receipt of such applications with evidences, the Principal may issue fresh interview letters to such candidates.

12. The total process of selection be completed, on an early date, so that it must reach its finality not later than a period of nine months from the date of receipt/production of a copy of this order.

13. The Director-in-Chief, Health Services, Govt. of Bihar is directed to ensure compliance of this order. The writ petition stands disposed of with the aforesaid observations and directions.