

Serial No. of Order

Date of Order

ORDER WITH SIGNATURE

15.

contd.

25th Judicial

at serial no.82 in the list of successful general category candidates the writ petitioner was found entitled for the relief claimed. The intervenors were placed below 114th candidate of the general category and hence their opposition to the writ petition was found to be without any merit.

On behalf of the appellant and other intervenors it has been submitted that since the result of the 25th Judicial Service Examination was published on 4.8.2000 prior to reorganisation of the State of Bihar with effect from 15.11.2000, the candidates like the intervenors who were recommended for appointment against large number of vacancies then existing should be given appointment even after those vacancies got reduced due to reorganisation of the State of Bihar which was a subsequent event. They also claimed that equity was in their favour and they should be given appointment by the State of Bihar against vacancies that may have arisen at a later date.

In the judgment under appeal all the relevant materials have been properly considered and it has rightly been found that according to settled law empanelment does not confer any vested right. In the facts of the case there was no scope to grant relief to the intervenors such as the appellant by invoking the principles of equity and to order for their appointment against later vacancies which were not available for the candidates of 25th Judicial Service Examination. Such vacancies have to be filled up by holding further Examination in accordance with law so as to give

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15.	contd.	<p>opportunity to others also who are now eligible to take the next Examination.</p> <p>In the result, this Court finds no merit in this appeal and the same is accordingly dismissed. There shall be no order as to costs.</p>	

sd/- Narayan Roy J.

sd/- Shiva Kirti Singh J.

DECLARED TO BE TRUE PHOTO COPY

Manjee Singh

For Joint Registrar

Patna High Court

Authorised U/S 76 Act 1 of 1977

27-4-2004

*Subodh
E. K. Singh*

27/4/2004

6/2/19/20