

Patna High Court - Orders

Babita Kumari @ Kumari Babita vs The State Of Bihar & Ors on 9 September, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5843 of 2010

1. Babita Kumari @ Kumari Babita Sinha W/O Ranjit
Kumar R/O Vill.- Bhagwanpur, P.S.- Katrisarai, Distt.-
Nalanda

Versus

1. The State Of Bihar
2. The Collector, Nalanda
3. The District Welfare Officer, Nalanda
4. The C.D.P.O., Nalanda
5. The Mukhiya, Katri Panchayat Block Katrisarai, Distt.-
Nalanda
6. The Panchayat Secretary, Katri Panchayat Block
Katrisarai, Distt.- Nalanda

3. 09.09.2011 Heard learned counsel for the petitioner and the State.

The claim in this writ application to be considered for appointment as the second empanelled candidate after resignation of the first appointed candidate stands fully covered by the decision of the Supreme Court in (2009)4 SCC 555 (Mohd. Sohrab Khan v. Aligarh Muslim University) that the vacancy stood exhausted on the appointment of the first empanelled candidate and her resignation created a fresh vacancy but does not revive the exhausted vacancy.

It is not possible to give relief to the petitioner of the nature claimed.

Needless to state that her case is required to be considered on its own merits in any fresh selection.

The writ application stands disposed.

P. Kumar

(Navin Sinha, J.)