



2026:PATHC:6335

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1944 of 2017

1. Pradip Kumar and Ors S/o Sri Chhedi Mandal, Resident of Village-Chakrami, P.S.- Bhawanipur Bihpur, District- Bhagalpur.
2. Deepak Kumar, S/o Sri Bedanand Sharma, Resident of Village- Asha Tola, P.S.- Bariyarpur, District- Munger.
3. Jayendra Urf Pravesh, S/o Sri Makeswar Mandal, Resident of Village- Bari Jamin, P.S.- Goradih, District- Bhagalpur.
4. Suraj Kumar Paswan, S/o Late Rajendra Paswan, Resident of Village P.S.- Mil Tola, Navgachhiya, District- Bhagalpur.
5. Prabhakar Kumar, S/o Sri Rasik Lal Mandal, Resident of Village P.O.- Tulsipur, P.S.- Kharik Bazar, District- Bhagalpur.
6. Surendra Kumar Mandal, S/o Baldev Mandal, Resident of Village P.O.- Faraka, P.S.- Sabar, Distt.- Bhagalpur.
7. Ajay Kumar Mandal, S/o Mahesh Prasad Mandal, Resident of Village- Mamalkha, P.S.- Sabam, Distt.- Bhagalpur.
8. Nand Kishore Mandal, S/o Sri Badry Mandal, Resident of Village- Sachidanand Nagar, P.O.P.S.- Tilka Majhi, District- Bhagalpur.
9. Pradeep Kumar Das, S/o Sri Lankeshwar Das, Resident of Village- Surakhikal Bhaththa, P.O.- Head Post Office, P.S.- Barari, District- Bhagalpur.
10. Pankaj Kumar, S/o Sri Vakeel Prasad Singh, Resident of Village- Jhurakhuriya, P.O.- Bahadurpur, P.S.- Zeromile, District- Bhagalpur.
11. Rudranand Singh, S/o Sri Sargun Prasad Singh, Resident of Village- Janakipur, P.O.- Pavaiya, P.S.- Amarapur, District- Banka.
12. Rajeev Kumar, S/o Sri Shiv Shankar Pd. Mandal, Resident of Village- Bariyarpur, Basti, P.O.P.S.- Bariyarpur, District- Munger.
13. Janmenjay Kumar Choudhary, S/o Sri Nityanand Choudhary, Resident of Village- Javari pur, P.O.- Tilkamajhi, Block- Jagdishpur, District- Bhagalpur.
14. Rubi Devi, W/o Sri Ram Pravesh Yadav, Resident of Village- Aadersh Nagar, Phulkiya, P.O.P.S.- Ghogha, District- Bhagalpur.
15. Vivekanand Arya, S/o Sri Gopal Mandal, Resident of Village- Arya Tola, Sabaur, P.O.P.S.- Sabaur, District- Bhagalpur.
16. Suman Saurabh, S/o Sri Yogendra Prasad Singh, Resident of Village P.O.P.S.- Purainee Kapsiya Tola, District- Madhepura, Present Address- Suman Saurabh, C/o Ganauri Singh, R/o Village P.O.- Makakhatkiya, P.S.- Navgachhiya, District- Bhagalpur.
17. Rajeev Kumar, S/o Sri Vakeel Prasad Singh, Resident of Village- Jhurkhuriya, P.O.- Bahadurpur, P.S.- Zero Mile, District- Bhagalpur.
18. Gautam Kumar, S/o Sri Ramdeo Singh, Resident of Village P.O.P.S.- Tetiya, District- Munger.
19. Kanhaiya Kumar, S/o Sri Shravan Singh, Resident of Village P.S.- Tetiya Bumbar, District- Munger.





20. Ravi Kumar, S/o Sri Ganesh Das, Resident of Village- Bikrampur, P.O.P.S.- Bihpur, District- Bhagalpur.
21. Praveen Kumar Singh, S/o Late Mangleshwar Singh, Resident of Village P.O.- Katahara, P.S.- Sultanganj, District- Bhagalpur.
22. Hare Krishna, S/o Sri Narayan Mandal, Resident of Village- Kumarpur, P.O.- Katahara, P.S.- Sultanganj, District- Bhagalpur.
23. Nripendra Narayan Singh, S/o Sri Nawal Kishore Singh, Resident of Village- Mil Tola, P.O.P.S.- Naugachhiya, District- Bhagalpur.
24. Kiran Bharti, W/o Rajendra Singh, Resident of Village- Kalikapur, P.O.- Nadiyama, P.S.- Goradih, District- Bhagalpur.
25. Vijay Paswan, S/o Sri Nageshwar Paswan, Resident of Village P.O.- Jotha, Block- Ghoraiya, District- Banka.
26. Sadanand Singh, S/o Late Mahesh Prasad Singh, Resident of Village- Harchandi, P.S.- Rajaun, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director, Forest Department, Government of Bihar, Patna.
3. Director, Agriculture Department, Government of Bihar, Patna.
4. Deputy Director, Horticulture/Orchard Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Anant Pd.Singh, SC15

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 9 19-01-2026
1. No one appears for the petitioner. Learned counsel for the respondents is present.
 2. The petitioner has filed the instant application for a direction to the respondents to publish an advertisement to fill up the vacant sanctioned post of Mali and for other reliefs.
 3. The Hon'ble Supreme Court in the case of **State of Haryana versus Subhash Chandra Marwaha & Ors.; (1974)**





3 SCC 220 has held that existence of vacancy does not give legal right to a candidate to be selected for appointment. Further in case of **Shankarsan Dash versus Union of India; (1991) 3 SCC 47** and **S.S.Balu & Ors. versus State of Kerala; (2009) 2 SCC 479**, the Hon'ble Supreme Court has held that even if the name of the petitioner figures in the select list, he still does not acquire any legal right to be appointed.

4. The Court finds no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

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