

23.07.2014

O.A. 173/10

**Hon'ble Shri Navneet Kumar, Member (J)**

**Hon'ble Ms. Jayati Chandra Member (A)**

Appl: Sri Prashant Kumar Singh.

Resp: Sri Ankit Srivastava for Sri Anurag Srivastava.

In pursuance of the order passed by the Hon'ble Patna High Court in W.P. No. 10478 of 2003 Navodaya Vidyalaya Samiti Vs. Harendra Kumar Singh and Others vide judgment and order dated 6.4.2010, the Hon'ble High Court observed as under:-

"Thereafter names were invited from the Employment Exchange which is not a reliable basis to make appointments. Law is well settled that public employment in this country is a nation wealth and every citizen should have unrestricted access to the same, which is possible only if the vacancy is widely advertised so that every citizen has the opportunity to apply for consideration. We do not find any justification at all from the records as to why the post was not advertised, and why it was restricted to the names called for from the Employment Exchange. We, therefore, entirely agree with the order dated 18.3.1999 (Annexure-8), whereby, petitioner No. 2 has refused to accord approval of the selection made by the Principal of the School.

In pursuance of the said order, the respondents have passed an order on 27.4.2011 which contained in Annexure C-4 to the counter reply. The learned counsel appearing on behalf the applicant submits that in pursuance of the order of the Hon'ble High Court, and the order passed by the Department, nothing survives to be adjudicated in the present O.A. As such, he same may be dismissed as infructuous.

Accordingly, the O.A. is dismissed as the same has been rendered infructuous. No order as to cost.

*J. Ch*

Member (A)

Vidya

*U. R. Agarwal*  
Member (J)

*OK*  
*copy of order*  
*Dated 23.7.14*  
*By Regd*  
*24.7.14*