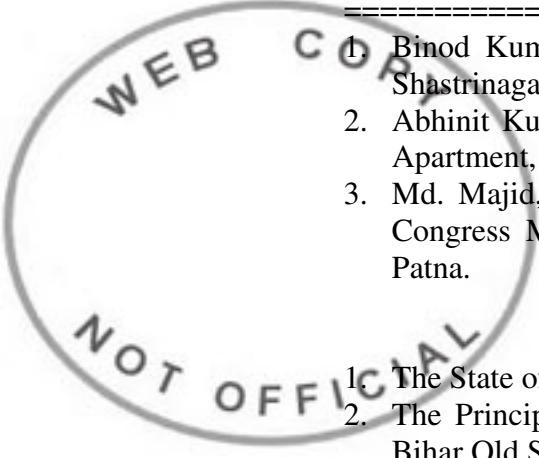


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2514 of 2015

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1. Binod Kumar S/o Sri Sheonandan Prasad R/o Mohanpur, Punaichak, PS-Shastrinagar, Patna
 2. Abhinit Kumar S/o Sri Nawal Kishore Kumar R/o D-304, Pushpanjali Vihar Apartment, Near Kachhi Talab, Saristabad, Gardanibagh, Patna.
 3. Md. Majid, S/o Anwarul Haque R/o - House of late K.k. Sinha North of Congress Maidan, Near Jain Mandir Kadamkuan, PO+PS-Kadamkuan, Dist-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar Old Secretariat, Patna.
3. The Principal Secretary, Labour Resources Department, Government of Bihar, Old Secretariat, Patna.
4. The Director, Employment and Training, Bihar, Patna.
5. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
6. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
7. The Secretary Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the respondent-State : Mr. Ranjit Kumar, A.C. to P.A.A.G.
For the Respondent-Commission : Mr. P. N. Shahi, Senior Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-02-2015

The petitioners are Engineering Graduates. The Bihar Public Service Commission (for short, 'the Commission') issued notification dated 17.01.2015 inviting applications for selection of candidates for the posts of Principal and Vice Principal in various Government

Industrial Training Institutes. This writ petition is filed challenging the same.

The grievance of the petitioners is that the Commission has short-listed the candidates only on the basis of marks obtained in the University Examination of B.Tech degree course. The petitioners state that according to their information, 85% is treated as a bench mark.

The contention of the petitioners is that B. Tech degrees are conferred by various institutions and there is hardly any uniformity of standards in awarding marks and thereby the marks awarded to a candidate in the University Examination cannot be treated as the sole criterion for selecting the candidates. The petitioners contend that holding of a common written examination would be a better mechanism to judge the comparative merit of the candidates.

Heard Sri Chakrapani, learned counsel for the petitioners and Sri P. N. Shahi, learned senior counsel for the respondent-Commission and Mr. Ranjeet Kumar, learned A.C. to P.A.A.G. for the respondent-State.

Basically, it is for an employer to stipulate, not only the qualifications, but also the method of recruitment to be followed for selecting candidates for employment. Much would depend upon the nature of duties that are to be performed, by the concerned employees and the other



aspects.

The occasion for this Court to interfere with the selection process would arise if only the procedure prescribed by the employer, is shown to be in contravention of any specific provision of law. Hardly, there exists any provision of law which insists that conducting of written examination is the only method for selecting candidates. The evaluation of merit of a candidate by taking into account, the marks secured in the examination conducted by the University cannot be said to be arbitrary. Even if it is true that there may be variations as to standards in the examinations conducted by various Universities, leading to conferment of B. Tech degrees that cannot be a reason for requiring the respondents to conduct a written test.

We do not find any merit in the writ petition. Accordingly, this writ petition is dismissed.

Interlocutory applications, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Shivaji Pandey, J)

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