

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1257 of 2014

1. Ramesh Kumar Son Of Sri Bhimchand Hansda R/O Village And P.O. Simhari,
P.S. Dhanarua, Dist. Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar
2. The Staffs Selection Commission, Patna Through Its Chairman
3. The Secretary Staffs Selection Commission, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 2497 of 2014

1. Mukesh Kumar Mukul S/O- Shri Satyendra Kumar Singh R/O- At+P.O- Marar,
P.S.- Morkahi, District- Khagaria
2. Mukesh Kumar S/O- Bhudeo Gope R/O- At+P.O.- Agarpur, P.S.- Lodipur, Distt.-
Bhagalpur
3. Gourow Kumar S/O- Keshov Nath Mehta R/O- At+P.O.- Tenduni, P.S.-
Jagdispur, District- Bhojpur
4. Chandra Bhanu Prasad S/O- Satya Narayan Prasad R/O- At- Pirouna, P.O.-
Hasanpur Sugar Mills, District- Samastipur
5. Shankar Kumar Hemant S/O- Sri Ramdeo Sah R/O -Vill+P.O.- Janar, P.S.-
Aurai, Via- Rampur, District- Muzafferpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary
2. The Principal Secretary, Personnel And Administrative Reforms Department,
Govt. Of Bihar, Patna.
3. The Principal Secretary, Co-Operative Department, Govt. Of Bihar, Patna
4. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna
5. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna

.... Respondent/s

Appearance :

(In CWJC No. 1257 of 2014)

For the Petitioner/s : Mr. REWTI KANT RAMAN

For the Respondent/s : Mr. SC-13 ARVIND KUMAR-1

(In CWJC No. 2497 of 2014)

For the Petitioner/s : Mr. RAJEEV KUMAR SINGH

For the Respondent/s : Mr. GP-18 V.PRASAD

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-02-2015

18.02.2015

Heard learned counsel for the parties.

Both the writ applications have been heard
together, because petitioners of both the writ
applications have a common grievance against the



respondents, especially the Bihar Staff Selection Commission (hereinafter referred to as “Commission” for short). They want a direction that the Commission should be held to have declared the results of these candidates under the successful category and a right for their appointment on the post of Cooperative Extension Officer has been created by virtue of the final result published and contained in Annexure-11 in C.W.J.C. No. 2497 of 2014.

It is the pleading of these petitioners that they had been declared successful in the result published and they were awaiting their appointment under the respondents-State of Bihar. However, for a strange and unexplained reason these petitioners came to be ousted and other persons, who were subsequently called for counseling, have been included in the list of successful candidates.

Learned counsel for the petitioners submits that earlier by virtue of Annexure-11, in C.W.J.C. No. 2497 of 2014, list of successful candidates were declared. The results were published, but this result, contained in Annexure-11, dated 20th of September, 2013, was followed by yet another publication, contained in Annexure-12. By virtue of Annexure-12, which is



dated 25.09.2013, the Commission called for more candidates for counseling, whose roll numbers were indicated in the said advertisement. This additional notification was supposed to be for left over posts, which were required to be filled up and not for offsetting the sequence or the selection of successful candidates, who were already notified earlier in terms of Annexure-11. However, ultimately when the final result came to be published, these petitioners did not find their name in the list of successful candidates, which obviously creates doubts in the manner in which the selection and the publication of results were made by the Commission.

The Commission has filed a detailed counter affidavit and they have taken a categorical stand that none of the candidates, who were recommended after due selection have any lesser marks or merit position viz-a-viz these petitioners. All these petitioners belong to BC category and the last person recommended for this category has 413 marks, whereas these petitioners had lesser marks in their category so was their merit position.

They also state that initially since large number of posts was required to be recommended against vacancies, exercise could be completed only with regard to the selection made for the Secretariat



Assistant. For other posts and position, the exercise was going on. The results, which were published, were tentative results as exercise were completed from time to time and that the notifications or further clarifications came to be issued under the circumstances that recommendation for all the vacancies could not be made for diverse reasons, which have been talked about in the counter affidavit itself.

The explanation, which has been offered by the respondents in their counter affidavit, does explain the circumstances under which the final results did not indicate the roll number of these petitioners. It is also to be kept in mind that the churning was also caused because of various orders passed by the High Court at various stages, i.e., from the stage of the PT examination to the Mains examination. This was one of the reasons why the selection process could not be completed in one exercise and in one go.

In the totality, therefore, the Court does come to a considered opinion that the reason for non-selection of the petitioners was not because of any hanky-panky done by the respondent-authorities in the process of selection and recommendation, but because of the merit-position, which these petitioners held. However, if

the Staff Selection Commission would have been more careful in wording its advertisement and notifications and would not have embarked upon the exercise in piecemeal, the confusion caused, including the litigations, could have been avoided.

The Chairman and the Secretary of the Staff Selection Commission, therefore, are cautioned that they must set their house in order, because no selection made by them remains controversy free and some serious introspection is required to be made, if not cleaning of the system in the matter of delivery.

The writ applications are required to be dismissed as reason for non-selection and recommendation of the petitioners are obvious as would be evident from reading of paragraph nos. 8 and 10 of the counter affidavit filed on behalf of Bihar Staff Selection Commission in both the writ applications.

Both the writ applications are dismissed.

(Ajay Kumar Tripathi, J.)

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