

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8591 of 2014

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1. Anil Kumar Sinha Son of Late Awdhesh Kumar resident of Mohalla- Naile Sarai, Post Office and Town- Biharsharif, District- Nalanda.
 2. Sikandar Ram Son of Late Brihaspati Ram resident of Village- Radhe Bigha, Post Office- Koniwar, District- Nawada.
 3. Arjun Sharma Son of Late Keshav Mistri resident of Mohalla- Amber, Post Office and Town- Biharsharif, District- Nalanda.
 4. Satish Kumar Son of Late Bansi Mahto resident of Village and Post Office- Badra, Police Station- Noorsarai, District- Nalanda.
 5. Mahendra Malakar Son of Lalo Malakar resident of Mohalla- Amber Post Office and Town- Biharsharif, District Nalanda.
 6. Shyam Nath Prasad Son of Late Mahdeo Prasad resident of Mohalla- Amber, Post Office and Town- Biharsharif, District- Nalanda.
 7. Karu Tanti Son of Kedar Tanti resident of Mohalla- Amber, Post Office and Town- Biharsharif, District- Nalanda.
 8. Abhey Kumar Son of Late Awdhesh Kumar resident of Mohalla- Naiesarai, Post Office and Town- Biharsharif, District- Nalanda.
 9. Niranjana Kumar Son of Late Akhauri Rameshwar Prasad resident of Mohalla- Amber, Post Office and Town- Biharsharif, District- Nalanda.
 10. Raja Ram Son of Late Chandeshwar Ram resident of Village- Chanda Bigha, Post Office- Mari, District- Nalanda.
 11. Ram Nagina Sharma S/o Late Rameshwar Sharma resident of Village Nakatpura, Post Office- Muraora, District- Nalanda.
 12. Upendra Kumar Son of Kedar Ram Resident of Village and Post Office- Chorsua, District- Nalanda.
 13. Umesh Ram Son of Mohan Ram resident of Mohalla Amber, Post Office and Town, Biharsharif, District- Nalanda.
 14. Arun Kumar Son of Late Bansi Mahto resident of Village and Post Office- Badara, Police Station- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The District Magistrate Nalanda at Biharsharif.
5. The Deputy Collector Establishment Nalanda Collectorate at Biharsharif
6. The Deputy Collector Nazart Nalanda Collectorate at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. AJEET KUMAR, SC 28

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-03-2015

A K Tripathi, J.

Writ application has been filed by the petitioners on the ground that the advertisement contained in Annexure-1 for filling up the post of Class IV category in the district of Nalanda, is required to be modified or read in the context of clarification or modification, which has been brought about by the General Administration Department, vide Notification dated 26.12.2013, contained in Annexure1/A.

2. Earlier, all appointments on Class IV posts mandated the minimum educational qualification of 8th Pass. Subsequently, for many a reasons, on the recommendation of the Finance Department effective 12.12.2012, the minimum qualification was enhanced or raised to Matriculation. The amendment took effect immediately.

3. By Annexure 1/A certain clarification has been issued, which indicates that vacancies required to be filled up prior to 12.12.2012 will be governed by the previous circular and qualification, which was 8th Pass. In other words, the notification will take effect after 12.12.2012. Naturally it will be prospective in nature.

4. It is the stand of the petitioners that though Annexure-1 has been issued on 25.2.2014, the vacancies relate to the period prior to 12.12.2012 and benefit of Annexure 1/A must be extended.

5. The advertisement is of 25.2.2014. The period of vacancy is not relevant. It is the period when process of selection has been initiated. If the terms and conditions of the advertisement do not indicate any kind of confusion with regard to educational qualification then the new rule relating to such appointment as to the educational qualification is in vogue after 12.12.2012 shall apply. Annexure-1/A will apply to cases where process was initiated prior to 12.12.2012.

6. If this be so, petitioners have no case to interfere with Annexure-1 or give any direction that their qualification less than matriculation should make them eligible for consideration for appointment on Class IV post under the State of Bihar, much less in the district of Nalanda on the advertisement dated 25.2.2014.

7. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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