

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2838 of 2014

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1. Navin Kumar Singh, son of Ram Nandan Singh, resident of Village - Mirabigha, P.S. Mirabigha Chakand, District - Gaya (Bihar)
 2. Ranjeet Kumar, son of Late Krishna Prasad, Resident of Village + P.O. Chakand Bazar, District - Gaya (Bihar)
 3. Dhananjay Kumar, son of Late Vijay Sharma, Resident of Village + P.O. Mirabigha, P.S. Chandauti Chakand, District - Gaya (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Gaya.
2. The Secretary, Rural Development Department Govt. of Bihar.
3. The Deputy Development Commissioner cum Chief Executive Officer Cum District Programme Co-ordinator DRD, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. NAGENDRA SHARMA
For the Respondent/s : Mr. Rajan Prasad, Advocate,
Mr. Rajiv Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 09-12-2015

The appointment as Rozagar Sevak is on contract. Earlier exercise was carried out and the published result has been brought on record as Annexure-3. It is the case of the petitioners that the respondent authorities from the said list of successful candidates, have been making appointments selectively from time to time. Appointments have been made from the list right up to the year, 2012. There are still vacancies but instead of considering the case of these petitioners, a fresh advertisement has been issued. Petitioners have a grievance against the advertisement and non-appointment.

2. In the counter affidavit filed on behalf of respondent No.2 they have indicated the status as to the reasons for non appointment of the petitioners in paragraph-5. If the statements made therein are accepted to be correct since there is no rebuttal, then these petitioners are miles away in the merit position and that was the only reason for their non appointment as Panchayat Rozgar Sevak.

3. So far as fresh advertisement is concerned, that has been necessitated in the background that the State authorities have changed the rule, in the sense that the minimum qualification now needed for such appointment has been enhanced to Intermediate. Obviously, the previous selection exercise has become redundant.

4. Since, the reason for non-appointment of the petitioners is not irrational or arbitrary and the necessity for a fresh advertisement has been necessitated because of the change in minimum qualification, no direction in favour of the petitioners for appointment can be made nor can the advertisement be interfered with.

5. Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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