

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.903 of 2014

IN

Civil Writ Jurisdiction Case No. 21309 of 2013

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1. Radheshyam Kumar, Son of Sri Rajkishore Yadav, At- Laxminiya, Post- Jeevachhpur, Via- Singheshwar, District- Madhepura, Bihar, Pin- 852128
 2. Hari Krishna Mahto, Son of Late Ram Chandra Mahto, At- Sundarpur, Near M.G. College Road, Kadirabad, P.O.- Lalbagh, District- Darbhanga, Pin Code- 840 004.
 3. Anant Kumar, Son of Sri Rajendra Yadav, Village/Post- Jayantipur (Dath), Via- Benipur, P.S.- Bahera, District- Darbhanga, Pin- 847 103,
- Appellants

Versus

1. The Chairman-cum-Managing Director, Life Insurance Corporation of India, Central Office, First Floor, Yogakeshema Central Office, Jeevan Bima Marg, Nariman Point, Mumbai- 400021
2. The Executive Director (Personnel), Personnel Department, Central Office, Fifth Floor (West Wing), Yogakeshema, Jeevan Bima Marg, Nariman Point, Mumbai- 400021
3. The Deputy Secretary (MPP&R), Personnel Department, Fifth Floor (West Wing), Yogakeshema, Jeevan Bima Marg, Nariman Point, Mumbai- 400021
4. The Zonal Manager, Life Insurance Corporation of India, Jeevan Bharati, 114 Connaught Circus, New Delhi- 110 001.
5. The Zonal Manager, Life Insurance Corporation of India, East Central Zonal Office, Jeevan Deep, Fifth Floor, Exhibition Road, Patna- 800 001.

.... Respondents

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Appearance :

For the Appellants	:	Mr. Rajendra Narain, Sr. Advocate Mrs. Anju Kumari @ Anju Narain, Advocate Mr. Umesh Kumar Roy, Advocate
For the L.I.C.	:	Mr. Rajeev Ranjan Prasad, Advocate Mr. Nilanjan Chatterjee, Advocate Mr. Sudhanshu Trivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 29-01-2016

Heard learned senior counsel Sri Rajendra Narain for the writ petitioners/appellants and Sri Rajeev Ranjan Prasad, learned counsel for the Life Insurance Corporation of India, and with their consent, this appeal is being disposed of at this stage itself.

The writ petition is directed against judgment and order dated 22.04.2014 passed in C.W.J.C. No. 21309/2013 by learned Single Judge of this Court, whereby he dismissed the writ petition and did not accept the challenge that no minimum qualifying marks for interview having been prescribed at the time of advertisement, such prescription thereafter rendered the select list to be bad. Learned Single Judge has quoted from the advertisement itself which reads as follows:

“The Corporation reserves the right to fix the minimum eligibility standards in order to restrict the candidates to be called for interview, commensurate with number of vacancies and also the minimum qualifying marks to qualify in the interview. Candidates who do not obtain the minimum qualifying marks as decided shall be excluded from further selection process. The decision of the Corporation in this regard shall be final and binding on the candidates and no correspondence will be entertained in this regard.”



This clearly states that the Corporation reserves the rights to fix minimum qualifying marks, both for qualifying to interview, and for qualifying in interview. It is not in dispute that petitioners/appellants were aware of this, they took their chance. They succeeded in their written test, but at the stage of interview, they failed. Having failed in interview, they challenged the final result in the writ proceedings. The writ court then noted the following fact:

“Further, the advertisement was issued in the month for February, 2013 and the minimum qualifying marks for interview was fixed by the Corporation on 08.01.2013 itself which has been uniformly applied to each and every candidate. The fact that minimum qualifying marks for interview was pre-determined is not in dispute. The petitioners have a grievance that this should have been disclosed in the advertisement.”

In view of the above, we are not inclined to interfere with the order of learned Single Judge.

Reliance has once again been placed on the judgment of the Apex Court in the case of ***K. Manjushree Vs. State of Andhra Pradesh*** since reported in (2008) 3 SCC 512 and ***Hemani Malhotra Vs. High Court of Delhi*** since reported in (2008) 7 SCC 11.

In proposition that the rules of the game cannot be changed, once the game has started, there is no quarrel with the said proposition, but under the rules of the game itself provided for a change then situation is totally different. As noted above, the advertisement itself provided that the Corporation reserved its right to specify minimum marks/qualifying marks for interview and in interview. There is no change in this position.

Thus, we find no merit in this appeal. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/A.F.R.

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