

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6793 of 2013

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1. Jitendra Kumar Son Of Sri Suryadayal Ram Resident Of Village Dhanawa, P.O. Dhanawa, P.S. Daudnagar, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, General Administration Department, Government Of Bihar, Patna
2. The Principal Secretary, Revenue And Land Reforms Department Government Of Bihar, Patna
3. The District Magistrate, District - Aurangabad
4. The Deputy Development Commissioner, District - Aurangabad
5. The District Programme Officer-Cum-Senior Deputy Collector, District - Aurangabad
6. The Sub Divisional Officer, Aurangabad
7. Raghwendra Das Son Of Sri Sakal Dip Das Resident Of Village - Koni, P.O. Sonbhadra, P.S. - Karpi, District - Arwal
8. Umesh Prasad Son Of Late Lal Bahadur Paswan Resident Of Village - Khangah, P.O. Arwal, P.S. Arwal, District - Arwal
9. Surendra Kumar Son Of Sri Ramrup Urawn Resident Of Village - Nagatoli, P.O. Balia, P.S. Rohtas, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. Kumar,
Mr. Purshotam Sharma, Advocates.
For Respondent No.8 : Mr. Ramakant Sharma, Sr. Advocate.
Mr. Rajesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-04-2016

Heard the parties.

This writ petition has been filed for quashing the letter 6.12.2012 issued by the District Magistrate, Aurangabad and also for quashing the written examination conducted on 25.11.2012 for appointment of Amin on contract basis.

In the present writ petition, petitioner is seeking relief for



appointment to the post of Amin. The Government of Bihar has issued a notification for the purposes of appointment of Amin on contract basis for different district including district of Aurangabad for three vacancies of Amin. Petitioner is an employee of Co-operative Department, applied for the post of Amin. As per claim of the petitioner, he secured 78 marks highest in all candidates including experience in the field of Amin. It has further been stated that in terms of clause 6 and 13 of the notification, preference will be given to the candidates who have been retrenched from the Consolidation Directorate, Land Reforms Department and Weight and Measure Department whereas clause 13 provides that the committee would prepare the panel, selection will be made on the basis of that panel.

Learned counsel for the petitioner submits that there was/is no provision for making selection on the basis of examination. The Collector has wrongly conducted the so called competitive examination for selection of Amin where he has been shown below in the merit list and wrongly has been deprived of appointment. He has further submitted that in other districts, Amins have been appointed on the basis of marks, not on the basis of any competitive examination. In such view of the

matter, selection of private respondents is completely illegal and requires interference.

No one appears on behalf of the State but counter affidavit has been filed by the State.

Learned counsel for the private respondent has submitted that after receipt of application it was found number of applicants were high, in order to select the best candidate, the Collector decided to conduct written examination in which petitioner has been shown much below, did not come in the zone of selection. Accordingly three persons who were at the top have been selected.

Having considered the rival contentions of the parties, as per the State, best candidates have been appointed as Amin, whereas as per petitioner, best candidate would be those who have secured best marks in academic achievement so much he has additional qualification of experience. Clause 6 provides that those person were retrenched from the Chakbandi, Land Reforms and Weight and Measure Department will be given preference on the basis of experience. Clause 13 of the notification provides that panel will be prepared by the District Selection Committee and from that panel selection will be made. Appointment would be on the basis of marks is silent and the

Collector adopted the method of selection on the basis of written examination, cannot be said, he adopted wrong method as there is no stipulation selection would be made on the basis of academic achievement.

This Court does not find any error in the method of selection applied by the Collector. This Court does not find any merit in this application.

Learned counsel for the petitioner submits that still there are many vacancies. If the Government goes for selection in future, the petitioner will be at liberty to participate in the selection process and he will be considered in accordance with law.

Counsel for the petitioner has rightly pointed out that experience gained by them should also be taken into consideration. The Government will consider that in what manner experience will play a role in appointment of Amin.

Accordingly this writ petition is dismissed with the aforesaid observation..

(Shivaji Pandey, J)

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