

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9561 of 2013

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1. Gauri Shankar Panday, S/O Late Ram Saresth Panday R/O Village- Madapur
Chaubey, P.S.- Sadar, District- Muzaffarpur
 2. Ramdhani Mishir S/O Late Hira Mishir R/O Village- Lakhaniipur, P.S.
Paharpur, District- East Champaran

.... Petitioners

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Home,
Govt. Of Bihar, Patna
2. The Inspector General Of Prison, Govt. Of Bihar, Patna
3. The Bihar Staff Selection Commission P.O. Veterinary College, Patna-14,
Through It'S Secretary
4. The Secretary Of The Bihar Staff Selection Commission, P.O.- Veterinary
College, Patna
5. The Superintendent Of Shahid Khudi Ram Bose Central Jail, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Avnish Rahman, adv.
For the Bihar State Selection Commission: Mr. Vipin Kumar, adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 19-07-2016

Heard learned counsel for the parties.

2. In this case, the petitioners are challenging the advertisement No.1 of 2013 issued by the Secretary, Bihar Staff Selection Commission, Patna, for appointment of 952 Warder for different jails in Bihar on the ground that terms and conditions which have been provided in the advertisement do not suit the

present petitioners as the terms and conditions of the advertisement debar them from participating in the selection process. Further prayer has been made that appointment process should be made as per the advertisement issued in the year 1994.

3. In view of the fact that fixation of terms and conditions for appointment completely lies within the domain of the Executive, the same cannot be challenged by a person on the ground that certain clauses debar him to participate in the selection process unless the conditions violates the Article 14 and 16 of the Constitution of India. However, no such fact has been brought in the present case and so much so that this Court cannot give direction to the respondents to initiate the selection process of Warder in terms of the advertisement issued in the year 1994.

4. In such view of the matter, this Court does not find any error in the advertisement. On the ground mentioned hereinabove, accordingly, this writ petition is dismissed. However, if any advertisement is published for appointment of Jail Warder, it goes without saying that the petitioners will be at liberty to apply against the advertisement as learned counsel for the petitioner submits that the petitioner are still working on the post of Warder. The respondent-authorities will be at liberty to examine the case of the

petitioners and give necessary relief looking to the facts that the petitioners are doing the service of the respondent.

(Shivaji Pandey, J)

pawan/-

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