

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 6326 of 2014**

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Deepak Kumar, Son Of Chhathu Prasad, R/O Village + P.O.- Mahuari, Thana-  
Sonhan, District- Kaimur (Bhabhua)

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Collector, Gopalganj
3. The District Officer, Gopalganj
4. The Public Information Officer, Collectorate, Gopalganj
5. The Additional Collector, Gopalganj
6. The State Information Commissioner, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Respondent/s : Mr. GP18- Vivek Prasad

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL JUDGMENT

**Date: 30-03-2016**

Heard learned counsel for the petitioner and counsel for  
the State.

The grievance of the petitioner that his claim for  
appointment on a class-iv post has been rejected on a totally  
arbitrary and extraneous reasons seems to be borne out from the  
fact that the advertisement, contained in Annexure- 2, only talks of  
giving preference to experience, but non-production of experience  
certificate is not a disqualification . Petitioner was short-listed and  
placed at Sr. No. 115 of the panel prepared by the district authorities  
of Gopalganj. Preference only means that if two people are equally  
placed the one with experience will be given wieghtage, but non-  
production of experience certificate does not disqualify the petitioner

in any manner, because the advertisement does not talk in terms of the said eligibility as mandatory.

The stand of the State, therefore, is totally irrational and arbitrary. The respondent-District Magistrate, Gopalganj is directed to consider the claim of the petitioner for such appointment, even if he has not produced any experience certificate, based on his performance and deliberation done for preparation of the panel in question. Such a decision must be taken within a period of three months from the date of communication / production of a copy of this order.

Writ application is allowed in terms of above.

**(Ajay Kumar Tripathi, J)**

SKM/-

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