

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11784 of 2017

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1. Kavita Kumari, Daughter of Birendra Singh Resident of Village-Suryadeo Nagar, Beda, P.O.-Moresarai, P.S.-Sasaram, District-Rohtas, Presently Working as Panchayat Teacher in Primary School, Karup, Shivsagar, Rohtas.
 2. Binod Kumar, Son of Sri Bishwanath Prasad, Resident of Village-Mani, P.O. Meyari Bazar, P.S.-Nokha, District-Rohtas, Presently Working as Block Teacher at Middle School, Jabra, Nokha, Rohtas.
 3. Sumita Kumari, Wife of Sikandar Singh, resident of Village-Dihara, P.O.-Munji, P.S.-Karakat, District-Rohtas, Presently Working as Block Teacher in Middle School, Larui, Bishunpura, Karaghar, Rohtas.
 4. Anita Kumari, Daughter of Krishna Singh, Resident of Village-Sahmal Khaira, P.O.-Balrhari, P.S.-Karaghar, District-Rohtas, Presently Working as Block Teacher in Middle School, Kharari, Karaghar, Rohtas.
 5. Sunil Kumar Son of Sri Satya Narayan Singh Resident of Village + P.O.-Danwar, P.S.-Kachwan O.P. (karakat), District-Rohtas, Presently Working as Block Teacher at Upgraded Middle School, Aliganj, Suryapura, Rohtas.
 6. Kumari Sunita, Daughter of Keshav Prasad Vishwakarma, Resident of Mohalla-New Area, Mohan Bigha, Dalminagar, P.O.-Dalminagar, P.S.-Dehri, District-Rohtas, Presently Working as Block Teacher in Middle School, Twlkup, Rohtas., Rohtas.
 7. Kamani Kumari, Daughter of Sarvajeet Narayan Singh, Resident of Village-Nirupma Bhawan, Ward No.26, Mahaveer Asthan, Kuraich, P.O. + P.S.-Sasaram, District-Rohtas, Presently Working as Block Teacher in Middle School, Dhelabad, Rohtas, Rohtas.
 8. Shewta Singh, Daughter of Surendra Singh, Resident of Village + P.O.-Taraita, District-Kaimur, Presently Working as Block Teacher in Middle School, Karanj, Dinara, Rohtas.
 9. Nitu Kumari Daughter of Rajendra Prasad Resident of Village + P.O.-Piya, P.S.-Sonhan, District-Rohtas Presently Working as Panchayat Teacher in Primary School P.s. Lehra, Riwa, Kargahar, Rohtas
 10. Archana Singh, Daughter of Jai Prakash Singh Resident of Village-Dariyapur, P.O. Kadawan, P.S.-Chunar, District-Mirjapur (U.P.), Presently Working as Panchayat Teacher in Middle School, Chatra, Kochas, Rohtas.
 11. Anu Singh, Daughter of Sri Lalan Singh Resident of Village + P.O. Nad, P.S. Shivsagar, District-Rohtas, Presently Working as Block Teacher at Upgraded Middle School, Khriyan, Nasriganj, Rohtas.
 12. Panna Lal, Son of Ratan Lal, Resident of Takiya Bazar, Ward No.2, P.O. + P.S. Sasaram District-Rohtas, Presently Working as Nagar Teacher at Urdu Middle School, Koath, Dawath, Rohtas
 13. Madhu Lata Kumari, Daughter of Bhola Nath Singh, Resident of Village + P.O.-Kathej, P.s.-Mohaniya, District-Kaimur, Presently Working as Block Teacher in Middle School, Chatra, Dawath, Rohtas.
 14. Deepak Kumar, Son of Ram Chandra Ram, Resident of Village + P.O.-P.S. - Tilauthu, District-Rohtas Presently Working as Block teacher in urdu Middle School, Sukahara Dehri, Nasriganj, Rohtas
 15. Raju Kumar Pal, Son of Gupteshwar Pal, Resident of Village-itimah, P.O. Karma P.S. Nasriganj, District-Rohtas, Presently Working as Block Teacher in Middle School, Sukahara Dehri, Nasriganj, Rohtas.
 16. Kumari Shewta Singh, Daughter of Nandeshwar Prasad Singh resident of Village-Bardiha, P.O. + P.S.-Nasriganj, District-Rohtas, Presently Working as Panchayat Teacher in Middle School, Dhanaw Khas, Nasriganj, Rohtas.
 17. Deepak Kumar, Son of Ram Pravesh Rai Resident of Mohalla-New Diliyan, P.O. + P.S.-Dihiri, District-Rohtas, Presently Working as Panchayat Teacher at



- Primary School, Ben Sagar, Panchayat, Karakat, Rohtas.
18. Mateshwari Kant, Son of Kashi Nath Paswan, resident of Village + P.O.- Ughani, P.S.-Chenari, District-Rohtas, Presently Working as Panchayat Teacher in Primary School, Mamrejpur, Malhipur Panchayat, Chenari, Rohtas.
 19. Arti Paswan, Daughter of Arun Kumar Paswan resident of Village + P.O.-Sabar P.s.-Rampur District-Kaimur, Presently Working as Block Teacher Urdu Middle School, Chenari, Chenari, Rohtas.
 20. Binay Kumar Gupta Son of Chotelal Prasad Resident of Village + P.O.+ P.s.- Chenari, District-Rohtas, Presently Working as Block Teacher in Urdu Middle School, Chenari, Chenari, Rohtas.
 21. Niraj Kumar Verma, Son of Arvind Kumar, resident of Village-Andhari, P.O. - Jaitiya, P.S.- Gauri Chak, District-Patna, Presently Working as Block Teacher in Middle School, Magajpura, Chenari, Rohtas.
 22. Vandana Kumari, dauhter of Sri Nath Singh, Address C/o Ramashwar Singh Mohala-New Sidhauli (Bank Kothi Gali), P.O. + P.S.-Dalminagar, District-Rohtas, Address C/o Ramashwar Singh Mohala-New Sidhauli (Bank Kothi Gali), P.O. + P.S.-Dalminagar, District-Rohtas, Presently Working as Block Teacher in Middle School, Baulia, Nauhatta, Rohtas.
 23. Sushil Kumar Singh, Son of Ramawatat Singh, resident of Village + P.O.- Khanethi, P.S.-Sonhan, District-Kaimur, Presently Working as Block Teacher in Middle School, Pipra Dih, Nauhatta, Rohtas.
 24. Ajit Kumar Singh, Son of Shiv Dadan Prasad Singh, resident of Shiv Colony, Kanserwa, P.O. + P.s.-Sasaram, District-Rohtas, Presently Working as Block Teacher at Primary School, Tiura Khurd, Tiura Khurd Panchayat, Nauhatta,Rohtas .
 25. Alok Kumar, Son of Bindeshwari Prasad Resident of Village-Shankarpur P.O.- Thakurai Parasia, P.S.-Nasriganj, District-Rohtas, Presently Working as Panchayat Teacher at Primary School Nuniyadih, Siyanwak Panchayat, Rajpur,Rohtas
 26. Kumari Kiran Singh, Wife of Sunil Kumar, Resident of Village-Masihabad, P.O.-Padri, P.S. Shivsagar, District-Rohtas, Presently Working as Block Teacher in Middle School Piyakalan, Chenari, Rohtas
 27. Meena Kumari, Daughter of Jai Prakash Pandey, Resident of Village + P.O.- Karhasi, P.S. +District-Buxar, Presently Working as Block Teacher in Middle School, Singhpur Nauhatta, Rohtas.
 28. Rupesh Kumar Bhagat, Son of Murari Bhagat, Resident of Alijan Chowk, Ward No.5, P.O.+ P.S.-Nokha, District-Rohtas, Presently Working as Block Teacher at Middle School,Tardih, Rohtas, Rohtas
 29. Minakshi Singh, Daughter of Awadhesh Kumar Singh, Resident of Village- 2/410, Azam Garh Road, Pandeypur, P.O.-Varansi P.S.-Cant, District-Varansi (U.P.), Presently Working as Block Teacher in Middle School, Rohtas.as
 30. Mina Kumar, Daughter of Suchit Bhagat Resident of Village+ P.O.-Indaur, P.S.-Dinara, District-Rohtas, Presently Working as Block Teacher in Middle School, Kanjar, Kochas,Rohtas.
 31. Prem Late Kumari, Daughter of Kameshwar Singh, Resident of Ward No. 6, Kuraich, P.O.+P.S.-Sasaram, District-Rohtas, Presently Working as Block Teacher in Middle School, Rophatha, Nokha,Rohtas.
 32. Sweety Kumari, Daughter of Uday Narayan Prasad, Resident of Village +P.O. + P.S.-Nokha, District-Rohtas, Presently Working as Block Teacher in Middle School, Gopalpur, Nokha, Rohtas.
 33. Sangita Kumari, Daughter of Sanjeev Kumar Ram, Resident of Village-Parmanpur, P.O.-Amehata, P.S.-Dawath, District-Rohtas, Presently Working as Block Teacher in Middle School, Sri Khinda, Nokha, Rohtas.
 34. Anil Kumar, Son of Ram Lakhan, Resident of Village-P.O.-Taraon, P.S.- Nasriganj, District-Rohtas, Presently Working as Panchayat Teacher in Primary



- School, Ram Nagar, Chatauna Panchayat, Nokha, Rohtas.
35. Sarita Jyoti, Daughter of Sri Bhagwan Prasad Singh, Resident of Village+P.O. Nondari, P.S.-Nokha, District-Rohtas, Presently Working as Block Teacher in Middle School, Bhasauna, Sanjholi, Rohtas.
 36. Vikash Kumar, Son of Dineshwar Singh, Resident of Village + P.O.-Mujrarh, P.S.-Nokha, District-Rohtas, Presently Working as Block Teacher in Middle School, Dharampura, Nokha, Rohtas.
 37. Yogendra Kumar, Son of Gopal Prasad Resident of Village+ P.O.-Dhanaw, P.S.-Nasriganj, District-Rohtas, Presently Working as Block Teacher in Middle School, Karan, Nokha, Rohtas.
 38. Anita Yadav, Daughter of Keshav Prasad Yadav, Resident of Village-Bhurhsuri, P.O.-Ratanpura, P.S.-Haldharpur, District-Mau (U.P.), Presently Working as Block Teacher in Middle School, Thekhi Balrampur, Nokha, Rohtas.
 39. Neha Kumari, Daughter of Anil Kumar, Resident of Mohalla-Rampur, P.O.-Mahendru, P.S.-Bahadurpur, District-Patna, Presently Working as Block Teacher in Middle School, Pipra, Karaghar, Rohtas.
 40. Sunita Kumari, Daughter of Sri Baidya Nath Prasad, Resident of Village-Janta Colony Road, Bairagi, P.O. R.S. Gaya, P.S.-Delha, District-Gaya Presently Working as Block Teacher in Middle School, Maharajganj, Tilouthau, Rohtas.
 41. Guddu Kumar Singh, Son of Ram Ekwel Singh, Resident of Village-Kathrai, P.O.+P.S.-Dhansoi, District-Buxar, Presently Working as Block Teacher in Upgraded Middle School, Bhundadih, Dawath, Rohtas.
 42. Ved Prakash, Son of Shambhu Nath Sah, Resident of Village + P.O.-Unh Chak, P.S.- Dighwara, District-Saran, Presently Working as Block Teacher at Upgraded Middle School, Rampur, Suryapura, Rohtas.
 43. Ranjeet Kumar Singh, Son of Suraj Singh Resident of Village-Barun, P.O.-Suryapura. District-Rohtas, Presently Working as Block Teacher in Urdu Madhya Vidyalaya Suyapura, Rohtas.
 44. Bindubala Singh, Daughter of Rana Pratap Singh Resident of Village+ P.O. Narhan Khas, District-Azamgarh (U.P.), Presently Working as Block Teacher in Middle School, M.S.Agrare Khurd, Rohtas.
 45. Anjali Kumari, Wife of Santosh Kumar, resident of Village + P.O.-Baddi, P.S.-Shivsagar, District- Rohts, Presently Working as Block Teacher in Upgraded Madhya Vidyalaya, Jamuada, Rohtas.
 46. Suman Kumar Singh, Son of Harihar Singh, Resident of Village-Manpura, P.O.-Mahuari, P.S.-Kochas, District-Rohtas, Presently Working as Panchayat Teacher in Primary School, Sabrabad, Khurmabad Panchayat, Chenari, Rohtas.
 47. Sumitra Kumari, Daughter of Keshwar Prasad, Resident of Village + P.O. Mahadevan, P.S.-Nasriganj, District-Rohtas, Presently Working as Block Teacher in Middle School, Tekari, Chenari, Rohtas.
 48. Vikash Kumar Pandey, Son of Tejman Pandey, Resident of Village-Nonar, P.O.-Chewari, P.S.-Ramgarh, District-Kaimur, Presently Working as Block Teacher at Middle School, Dhawan, Bikramganj, Rohtas.
 49. Santosh Kumar Yadav, Son of Satya Narayan Yadav, Resident of Village-06, Bandh Patwa Road, Dumraon, P.O. + P.S.-Dumraon, District-Buxar, Presently Working as Block Teacher at Middle School, Turti, Bikramganj, Rohtas.
 50. Nitu Pandey, Daughter of Beni Madhav Pandey, Resident of Village-Mahrai, P.O.-Thanapur (Raipur), District-Chandauli (U.P.), Presently Working as Block Teacher at Middle School, Keshodih, Bikramganj, Rohtas.
 51. Monka, Daughter of Jay Narayan Pandey, Resident of Village-Jagdeo Nagar (Kadamgali), P.O. + P.S.-Ara, District-Bhojpur, Presently Working as Block Teacher at Middle School, Mani, Bikramganj, Rohtas.
 52. Punam, Daughter of Brajesh Pandey Resident of Village-Jagdeo Nagar (Kadamgali), P.O. + P.S.-Ara, District-Bhojpur, Presently Working as Block



- Teacher at Middle School,Mani, Bikramganj,Rohtas.
53. Prachi, Daughter of Arun Kumar, Resident of Village-Jagdeo Nagar (Kadamgali), P.O.-Anaith, P.S.-Nawada (Ara), District-Bhojpur, Presently Working as Block Teacher in Middle School,Mathiya, Bikramganj,Rohtas.
 54. Kavita Kumari, Daughter of Lalan Praad Resident of Village+P.O.-Dharupur, P.S.-Bikramganj, District-Rohtas, Presently Working as Block Teacher in Middle School, Kusumhara, Bikramganj, Rohtas.
 55. Manju Rani, Wife of Ravindra Singh, Resident of Village+P.O.+P.S.-Bikramganj, District-Rohtas, Presently Working as Primary Teacher in Primary School, Dumariya, Manpur Panchayat, Bikramganj, Rohtas.
 56. Dilip Kumar Singh, Son of Bindeshwari Prasad Singh Resident of Village-Paharpur, P.O.-Batana, P.S.-Shivsagar, District-Rohtas, Presently Working as Block Teacher in Middle School, Chenari, Rohtas.
 57. Kumari Mahima, Daughter of Pramod Kumar, Resident of Village-jigina P.O. Barailia, P.S.-Shivsagar, District-Rohtas, Presently Working as Block Teacher in Middle School, Narayanpur Chenari, Rohtas.
 58. Pinki Priya, Daughter of Shiv Kumar Prasad, Resident of Village-Narana, P.O.-Chandra Keth, P.s.-Chenari, District-Rohtas, Presently Working as Panchayat Teacher in Primary School, P.S. Lehra, Riwa, Karaghar, Rohtas.
 59. Pushpa Tiwari, Daughter of Alok Tiwari Resident of Village-Sherpur, P.O.-Narayanpur, P.S.-Atlhal, District-Mirjapur (U.P.), Presently Working as Block Teacher in Middle School, Bhanshni Dehri,Rohtas.
 60. Raushan Kumar, Son of Brij Bihari Chaudhary, Resident of Village+P.O.-Koath, P.S.-Dauth, District-Rohtas, Presently Working as Block Teacher in Middle School, M.S. Katharai, Rohtas.
 61. Raushan Kumar, Son of Brij Bihari Chaudhary, Resident of Village+P.O.-Koath, P.S.-Dauth, District-Rohtas, Presently Working as Block Teacher in Middle School, M.S. Katharai, Rohtas.
 62. Sadhana Kumari, Wife of Rama Shankar Singh, Resident of Village-Nai Bazar Chakia, P.O. Central Jail, P.S.-Mau, District-Buxar, Presently Working as Block Teacher in Middle School, M.S. Sarthi, Rohtas.
 63. Niraj Kumari, Wife of Arjun Yadav, Resident of Village-Sangapur, P.O.-Devhalia, P.S.-Ramgarh, District-Kaimur, Presently Working as Block Teacher in Upgraded Madhya Vidyalaya, Parasiyan, Kochas, Rohtas.
 64. Pushpanjali, Wife of Manmohan Prasad, Resident of Village-Songawa, P.O.-Sikariya, P.S.-Darigaon, District-Rohtas, Presently Working as Block Teacher in Middle School, M.S. Beladih, Sasaram, Rohtas.
 65. Meena Kumari, Daughter of Ravikant Sagar, Resident of Village-Teduni, P.O.-Nikramganj, P.S.-Bakramganj, District-Rohtas, Presently Working as Block Teacher in Middle School, Dawath, Rohtas.
 66. Akhilesh KUMAR, Son of Kesho Prasad, Resident of Village-Puhapi Tola, P.O. + P.S.-Dawath, District-Rohtas, Presently Working as Panchayat Teacher in Primary School, Dergawan Panchayat, Tilakpura, Rohtas.
 67. Sandeep Son of Om Prakash, Resident of Village-Amarpur, P.O.-Dhansoi, District-Buxar, Presently Working as Panchayat Teacher in primary School, Semari Panchayat, Nav Sriyit Prathamik Vidyalaya Permeshpur, Rohtas.
 68. Md. Shahir Ansari, Son of Md. Islam Ansari, Resident of Village-Tendua, P.O.Dhavpokar, P.S.-Rampur, District-Kaimur, Presently Working as Block Teacher in Middle School, M.S. Ramgarh, Chenari, Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary,Education Department , Government of Bihar Patna.



3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Rohtas, Sasaram.
6. The District Programme Officer, (Establishment), Rohtas, Sasaram.
7. The Block Development, Officer Sasaram Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
8. The Block Development, Officer, Tilauthu Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
9. The Block Development, Officer, Shivsagar Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
10. The Block development Officer, Chenari Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
11. The Block Development Officer, Karaghar VBlock Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
12. The Block development Officer, Kochas Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
13. The Block Development, Officer, Dinara Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas,
14. The Block Development Officer, Dawath Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
15. The Block Development Officer, Suryapura Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
16. The Block Development Officer, Bikramganj Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
17. The Block Development Officer, Karakat Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
18. The Block Development Officer, Nasrigang Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
19. The Block Development Officer, Dihri Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
20. The Block Development Officer, Akodhigola Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
21. The Block Development Officer, Rajpur Block Cum Secretary, Block Appointment Cmmittee, Sasaram, Rohtas.
22. The Block Development Officer, Nokha Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
23. The Block Development Officer, Sanjholi Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
24. The Block Development Officer, Rohtas Block Cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
25. The Block Development Officer, Nauhatta Block cum Secretary, Block Appointment Committee, Sasaram, Rohtas.
26. The Block Education Officer, Sasaram Block, Rohtas.
27. The Block Education Officer, Tilauthu, Block, Rohtas.
28. The Block Education Officer, Shivsagar Block, Rohtas.
29. The Block Education Officer, Chenari Block, Rohtas.
30. The Block Education Officer, Karaghar Block, Rohtas.
31. The Block Education Officer, Kochas Block, Rohtas.
32. The Block Education Officer, Dinara Block, Rohtas.
33. The Block Education Officer, Dawath Block, Rohtas.
34. The Block Education Officer, Suryapura Block, Rohtas.
35. The Block Education Officer, Bikramganj Block, Rohtas.
36. The Block Education Officer, Karakat Block, Rohtas.
37. The Block Education Officer, Nasrigang Block, Rohtas.
38. The Block Education Officer, Dihri Block, Rohtas.



39. The Block Education Officer, Akodhigola Block, Rohtas.
40. The Block Education Officer, Rajpur Block, Rohtas.
41. The Block Education Officer, Nokha Block, Rohtas.
42. The Block Education Officer, Sanjholi Block, Rohtas.
43. The Block Education Officer, Rohtas Block, Rohtas.
44. The Block Education Officer, Nauhatta Block, Rohtas.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Binod Kumar Kanth, Sr. Advocate
Mr. Kanhaiya Pandey, Advocate
Mr. Shashi Shekhar Tiwary, Advocate
Mr. Rakesh Narayan Singh, Advocate
For the State : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-09-2017

Heard Mr. Binod Kumar Kanth, learned senior counsel for the petitioners and Mr. Ashutosh Ranjan Pandey, learned AAG-15 for the State.

2. The petitioners have moved the Court for the following reliefs:

- “i) That the order bearing memo no. L-1639 dated 28.07.2017 contained in annexure-8 passed by District Programme Officer, (Establishment), Rohtas, Sasaram may be quashed.*
- ii) That the letter no. 630 dated 25.05.2016 issued by Director Primary Education contained in annexure-7 may be quashed.*
- iii) That the respondents may be directed to make immediate payment of salary to the petitioners and allow them to continue on the post of teacher.*
- iv) That any other relief or reliefs may be allowed which will be just, proper and equitable on the opinion of this Hon’ble Court.”*



3. The crux of the matter is that, as per the schedule fixed by the State Government relating to the appointments in question, there were various dates mentioned, which were subsequently modified/extended and ultimately, as per the dates fixed by the State, publication of the final merit list was to be by 07.05.2015; approval by the District (meaning thereby the District Education Officer) of Panchayat and Block merit lists by 10.05.2015; public notification by the Employment Unit of the merit list by 30.04.2015 and finally appointment letter to be issued by the Employment Unit latest by 15.04.2015.

4. In the present case, accordingly, the final merit list had been published by the said cut off date i.e., 07.04.2015 but the subsequent stages were slightly delayed. However, the petitioners were given appointment letters pursuant to which they joined at the place of posting and continued to work for about two years without any complaint and it appears that due to there being some non-payment of salary by a person in the district of Rohtas, the matter travelled to the Director, Primary Education, who has taken a view that because the schedule was not followed with regard to all the stages, including final issuance of appointment letters, the engagements are bad and accordingly, the impugned direction was given. The same is under challenge in the present writ petition.

5. Learned counsel for the petitioners submitted that the



purpose and object of fixing a time schedule by the State Government is only to ensure that everybody is informed with regard to there being a selection process so that public employment is not given in an opaque manner and rather there is transparency and also for ensuring that the same is in conformity with the requirements of Articles 14 and 16 of the Constitution of India. Learned counsel submitted that for such purpose, the only relevant time schedule would be the publication of the final merit list and thereafter it is all relating to ministerial acts, over which the petitioners have no control. He submitted that in the present case the final merit list having been published by the cut off date i.e., 07.04.2015, a right had accrued and vested in the petitioners and the same has been taken away without the due process of law, and in the present case, there being non-adherence to the time schedule, and that too, which was fixed for various authorities to take certain steps, the petitioners cannot be saddled with the adverse effect, if any, of such non-compliance. Learned counsel submitted that the issue is squarely covered by the principle of *'purposive interpretation/purposive construction'*, inasmuch as, the core object of a particular provision or notification is to be looked into and not an ancillary provision, which may not have a direct bearing or go to the root of the issue involved. For such proposition he relied upon the decisions of the Hon'ble Supreme Court in the case of **Shailesh Dhairyawan vs. Mohan Balkrishna**



Lulla reported as (2016) 3 SCC 619, the relevant being at paragraphs no. 31 to 33 and also **N. Kannadasan vs. Ajoy Khose** reported as (2009) 7 SCC 1, the relevant being at paragraphs no. 54 and 55.

6. Learned counsel for the State submitted that he has filed a counter affidavit and took a categorical stand, in terms of the averments made in his counter affidavit, that only because the appointments were made beyond the time schedule fixed and the cut off date for issuing of final appointment letters, the employment of the petitioners have been held to be illegal.

7. However, he was not in a position to controvert the fact that the final publication of the merit list was done within the scheduled cut off date, i.e., 07.04.2015. He also could not controvert that there was no challenge or allegation or finding with regard to there being any fraud or discrepancy in preparing the final merit list.

8. Having considered the matter, the Court finds substance in the contention of learned counsel for the petitioners. The core issue in an employment process is that the constitutional requirement of there being equal opportunity/participation of all eligible candidates is ensured and the same culminates with publication of final merit list, for which the State had fixed the cut off date as 07.04.2015, which has been adhered to. Thus, the basic object of fixing a time limit for the purpose of the present employment, has been met. The Court also agrees with the submissions of learned counsel for the petitioners that



the rest of the schedule casted upon the officers/ authorities the duty of approving the list, making the same public and issuing appointment letters, over which the petitioners have no control. In such background, the Court finds that the ratio laid down in the decisions relied upon by learned counsel for the petitioners squarely covers the issue at hand.

9. For the reasons aforesaid, the writ petition stands allowed. The order of termination stands set aside. The petitioners are declared to have been validly appointed and entitled to get all benefits, including that of salary and continuance in service.

10. The Court makes it clear that the present order has been passed on the categorical stand taken by learned counsel for the petitioners that the final merit list had been prepared within the cut-off-date, i.e., 07.04.2015, which was not controverted by learned counsel for the State.

(Ahsanuddin Amanullah, J)

S.Sb/-

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