

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10656 of 2014

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1. Jitendra Kumar Shahi son of Sri Suresh Shahi, resident of village and Post- Mirzapur, P.S.- Hathua, District- Gopalganj
 2. Anirudh Prasad Singh son of late Barun Singh, resident of village- Giridih Barwa, P.O.- Simariya, P.S.- Rajdhanwar, District- Giridih (Jharkhand)
 3. Ram Chandra Prasad singh, son of Late Pyare Singh, resident of village and Post- Hario, P.S.- Bihpur, District- Bhagalpur
 4. Akhilesh Kumar @ Akhilesh Kumar Singh son of Shri Madan Mohan Singh, resident of village- Shivpur, P.O. and P.S. Satgawan, District- Kodarma (Jharkhand). At present residing at village- Verauti, P.O. and P.S.- Dip Nagar, District- Nalanda
 5. Jay Nandan Rai son of Shri Baikuntha Rai, resident of village- Dhengadih, P.O.- Ghorangee, P.S.- Dewari, District- Giridih (Jharkhand). At present residing at Arwane, P.O.- Nawadih Silphari, P.S.- Chandramandih, District- Jamui (Bihar)
 6. Mahesh Kumar Singh son of Shri Nand Kishore Singh, resident of village Ichak, P.O.- Gangpur, P.S. & Circle- Gidhaur, District- Chatra (Jharkhand)
 7. Ramchandra Mahto son of Late Chintaman Mahto, resident of village- Sirsiya, P.O.- Korho Bindo, P.S.- Jamua, District- Giridih (Jharkhand)
 8. Sanjeev Kumar, son of Late Bhuwaneshwar Malakar, resident of village- Hario, P.S.- Hario, P.S. Bihpur, District- Bhagalpur
 9. Krishna Kumar Ray son of late Rami Ray, resident of village- Pachrukhi, P.O.- Sapa Maran, P.S.- Raj Dhanwa, District- Giridih (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt of Bihar, Old Secretariat, Bihar, Patna
3. The Principal Secretary, Department of Finance, Govt of Bihar, Old Secretariat, Bihar, Patna
4. The Principal Secretary, Department of General Administration, Old Secretariat, Bihar, Patna
5. The District Settlement Officer, Nalanda, District- Nalanda
6. The Assistant Settlement Officer, Nalanda, District- Nalanda
7. The District Settlement Officer, Begusarai, District- Begusarai
8. The In charge Settlement Officer, Begularisarai, District- Begusarai
9. The Bihar Staff Selection Commission through its Chairman, Patna
10. The Chairman, the Bihar Staff Selection Commission, Veterinary College Compound, Patna
11. The Secretary, the Bihar Staff Selection Commission, Veterinary College Compound, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Nityanand Mishra, Advocate
For the Respondent/s : Mr Prabhat Kumar Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-12-2017

Heard the learned counsel for the petitioners as well as learned counsel for the Bihar Staff Selection Commission.

2 Counsel for the petitioners, pursuant to the liberty granted by order dated 13.12.2016, has placed on record one judgment dated 01.08.2016 passed in *LPA No 388 of 2014*. The said case also arises out of claims made by persons similar to the petitioners. He submits that in the said case, the Division Bench of this Court has been pleased to dispose of the matter with the following directions:

“After going through the records, we find that the applicant claims right of consideration for appointment to the post of Amin for which directions have been issued to advertise the posts including the conditions of appointment.

The question is as to whether the post of Amin is intended to be filled and on what eligibility conditions, the decision has to be of the State Government. There cannot be any direction to issue an advertisement to fill up the vacant posts and to specify the eligibility conditions. Such matters fall within the exclusive domain of the State Government. It is for the State Government to send requisition for appointment to the Commission to fill up the posts and the conditions of eligibility in accordance with law.

Therefore, we dispose of the present Letters Patent Appeal with liberty to the State Government to issue fresh advertisement, if any, and to fix such eligibility conditions as it finds appropriate if it decides to fill up the vacant posts



of Amin.

The appeal is disposed of accordingly.”

3 Counsel for the petitioners submits that since their case is similarly situated as the petitioner/respondents of *LPA No 388 of 2014*, they would also be entitled to same consideration as the said petitioner/respondents.

4 It would be open to the State to consider the claim of the petitioners in accordance with law in any exercise that may be undertaken pursuant to judgment dated 01.08.2016 passed in *LPA No 388 of 2014*.

5 In view of the aforesaid, nothing remains in this writ petition. The same is dismissed with the aforesaid direction.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2017
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