

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7257 of 2016

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Jay Prakash Narayan, Son of Shree Hand Raj Gohiwar, Resident of Khutauna, P.O. +P.S. - Khutauna, District- Madhubani at present residing at Chaudhary Tola, Mahendru, Patna-6.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Power (Holding) Co. Ltd. through its Chairman-cum-Managing Director, Patna.
3. The General Manager, (Hr.), Bihar State Power (Holding) Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. Deputy General Manager, (Hr.), Bihar State Power (Holding) Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. Rakesh Ranjan (Human Resource) Administration, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
6. Sri Anurag Kaushal Singh, Ex-O.S.D. (H.R./Administration), Bihar State Power (Holding) Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.
7. Sri K.K. Jain, Ex-Joint Secretary, Bihar State Electricity, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad, Adv.

For the Respondent/s : Mr. Anand Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-05-2017

Heard Mr. Daya Shankar Prasad, learned counsel appearing for the petitioner and Mr. Anand Kumar Ojha, learned counsel appearing for the Bihar State Power Holding Company Limited.

In sum and substance the relief prayed by the petitioner in this writ petition is that having qualified in the Lekha Pravin Pariksha Part-I Departmental Examination, 2015, he should be permitted to appear in Part II thereof, even if he has qualified in the Junior Accounts Clerk Departmental Examination subsequent thereto. The petitioner thus prays that he should be exempted from appearing in the Lekha Pravin Pariksha



Part-I Departmental Examination and be allowed to appear in Lekha Pravin Pariksha Part-II Departmental Examination.

Contesting the relief it was argued by Mr. Anand Kumar Ojha, learned counsel appearing for the Power Holding Company that the basic eligibility qualification for any Junior Accounts Clerk to appear in Lekha Pravin Pariksha (hereinafter referred as the 'LPP') Departmental Examination in terms of the circular bearing Notification No.123 dated 22.7.1999, a copy of which is present at Annexure C/2 is, that the incumbent should have put in 10 years of service and should have passed the Junior Accounts Clerk (hereinafter referred to as the 'JAC') Departmental Examination. He submits that since the petitioner cleared the 'JAC' examination only in 2015, even if he has appeared in the 'LPP' examination earlier thereto but it cannot enure to his benefit because he was not eligible to take the 'LPP' examination before clearing his 'JAC' examination, which he has cleared only in 2015.

I have heard learned counsel for the parties and perused the records.

Annexure-3 is the letter dated 18.3.2016 of the Special Work Officer which discusses the case of the petitioner and explains that as until 2015 the petitioner has failed to clear the 'JAC' Departmental Examination. Annexure C/2 is the circular referred to in the said letter and which, inter alia stipulates that a Junior Accounts Clerk who has passed the departmental examination and has also put in minimum 10 years of service, shall be allowed to appear in the 'LPP' Departmental



Examination.

While it is the contention of the petitioner that he has already passed the Lekha Pravin Pariksha Part-1 Paper-I and IV, however such submission is being contested on grounds that the petitioner was not eligible to appear in the 'LPP' Departmental Examination prior to 2015 when he passed the 'JAC' Departmental Examination in tune with the Notification No.123 dated 22.7.1999 and even if he has appeared in any kind of 'LPP' Departmental Examination prior to the year 2015, the fact that the petitioner has cleared his 'JAC' Departmental Examination only in 2015, it would have no bearing nor enure to his benefit for he was not eligible to appear and his appearance in the said examination is by way of oversight by the department.

Mr. Prasad, learned counsel for the petitioner next tries to espouse the case of the petitioner by submitting that the petitioner has cleared his Departmental Examination in the year 2006 itself but there is nothing on record to support such stand, on the contrary the letter dated 18.3.2016 of the Special Work Officer present at Annexure-3 would reflect that the petitioner has been clearing his papers towards the departmental examination in piecemeal manner and the last of the paper was cleared by him only in the year 2015. It is in this view of the matter and keeping in mind the stipulation in the Notification No.123 dated 22.7.1999 present at Annexure C/2 of the counter affidavit that the petitioner has been permitted by the Special Work Officer to appear in the Lekha Pravin Pariksha commencing the year 2016 but this



permission is being contested by the petitioner on grounds that he should be allowed to appear in ‘LPP’ Departmental Examination Part-II as he has already cleared Lekha Parvin Pariksha Part-I.

In my opinion in view of the circumstances discussed in the letter dated 18.3.2016 which demonstrates that the petitioner has passed his ‘JAC” Departmental Examination only in the year 2015 and bearing in mind the eligibility discussed in the notification dated 22.7.1999 (Annexure C/2), I find no infirmity in the directions so contained in the letter dated 18.3.2016 permitting the petitioner to appear in the Lekha Pravin Pariksha Part-I and the choice rests on him, should he be willing to appear and do the needful.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-05-2017
Transmission Date	NA

