

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.429 of 2017

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1. Prabhash Kumar Rajhans, Son of Sri Sri Das, resident of village - Bhaygaon, P.S. Goradih, Distt. – Bhagalpur.
 2. Rajendra Soren, Son of Maheshwar Soren, resident of village - Tilaru, P.S. Bounsi, Distt. – Banka.
 3. Sanjay Kumar Dubey, Son of Krishna Prasad Dubey, resident of village - Agaiya, P.S. Sanokhar, Distt. – Bhagalpur.
 4. Patel Prasad Singh, Son of Sri Sardheshwar Prasad Singh, resident of village - Saijpur, P.O. Samukhiya More, P.S. & Distt. Banka.
 5. Jitendra Prasad Mandal, Son of Late Chintaman Mandal, resident of village - Katoria, P.S. Rasalpur, Distt. Bhagalpur.
 6. Shashikant Das, Son of Sri Bhubneshwar Das, resident of village - Chihar, P.S. Barahat, Distt. Bhagalpur.
 7. Bal Kishore Das, Son of Late Gorbhu Das, resident of village - Gachiya, P.S. Dhoraiya, Distt. – Banka.
 8. Uday Rajak, Son of Mohan Rajak, resident of village- Laluchak, P.S. Ishakchak, Distt. – Bhagalpur.
 9. Anil Kumar Singh, Son of Mishri Prasad Singh, resident of village- Faridumpur, P.S. Sanhaula, Distt. – Bhagalpur.
 10. Sunil Kumar Das, Son of Satya Narayan Das, Resident of Village- Belthu, P.S. Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Agriculture Production Department, Government of Bihar, Patna 1.
3. District Magistrate, Bhagalpur.
4. The Deputy Development Commissioner, Bhagalpur.
5. Joint Agriculture Director, Bhagalpur.
6. District Agriculture officer, Bhagalpur.
7. Senior Deputy Collector, (Establishment), Bhagalpur.
8. Smt. Bandana Kumari, District Supply Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Ranjan Kumar Singh, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-08-2017

Heard Mr. Vivekanand Vivek, learned counsel appearing for
the petitioners and Mr. Ranjan Kumar Singh, learned Assisting Counsel
to Principal Additional Advocate General No.2 for the State.



The petitioners are aggrieved by the decision-making process adopted by the Committee headed by the District Magistrate, Bhagalpur in the meeting held for considering the candidature of the petitioners for appointment as Village Level Worker under the provisions of the Village Level Workers and Village Extension Workers (Recruitment and Conditions of Service) Rules, 1987 (hereinafter referred to as 'the Recruitment Rules') in which the petitioners have been declared unsuccessful on grounds of having secured marks which was less than the last selected candidate in the category to which these petitioners belong.

This matter was earlier taken up on 7.4.2017 when Mr. Vivekanand Vivek, learned counsel appearing for the petitioners while drawing the attention of this Court to the order of the Supreme Court present at Annexure-2, submitted that although a liberty was granted to the respondents to initiate selection process afresh in tune with the 'Recruitment Rules' but the procedure devised by the respondents to disqualify the petitioners from appointment is arbitrary.

Although much time had elapsed since the judgment and order of the Supreme Court which was passed in 1991 but since the order impugned was passed on 16.6.2016 to disqualify the petitioners for appointment that counsel for the State was directed to file counter affidavit and which has since been filed. It is in reference thereto Mr. Ranjan Kumar Singh, learned Assisting Counsel to PAAG-2 has submitted that being aggrieved by the selection process 14 persons inclusive of the present 10 petitioners came before this Court in CWJC



No.2945 of 2013 raising issues on the selection process but a coordinate Bench of this Court refused to grant any indulgence rather advised them to pursue their case in terms of the order passed by the Court from time to time.

It is submitted that it is following the order passed by this Court in CWJC No.2945 of 2013 enclosed at Annexure 8 that the Selection Committee held its meeting on 16.5.2016 and took decision to issue notice to the petitioners to appear at the interview as manifest from the minutes dated 16.5.2016 at Annexure-9 and following which notice dated 7.6.2016 present at Annexure 10 was issued to the petitioner. It is stated that on participation of these petitioners in the interview that final marks were allotted vide Annexure 11 which were found not sufficient enough for the petitioners to qualify for appointment.

The order passed by the Committee put to challenge in the present writ petition would reflect that while the petitioners Sanjay Kumar Dubey, Patel Prasad Singh, Jitendra Prasad Mandal, Shashi Kant Das, Anil Kumar Singh and Sunil Kumar Das coming under the general category had secured marks below 51%, the last of the candidates appointed in the general category had secured 64% marks. In similar manner while the petitioners Prabhash Kumar Rajhansh, Bal Kishore Das and Uday Rajak coming under the Scheduled Caste category had obtained 47.24%, the last selected candidate in the Scheduled Caste category had secured 59% marks. It is further mentioned that while Rajendra Soren coming under the Scheduled Tribe category had got 41.35%, the last



selected candidate under the Scheduled Tribe category had obtained 50% marks.

Despite the position existing, it is the argument of Mr. Vivek that the process adopted by the respondents to disqualify these petitioners is arbitrary. In my opinion in view of the earlier order of this Court at Annexure 8 when similar objections were raised but not entertained, the petitioners cannot be permitted to re-agitate the matter. Even otherwise if the procedure so adopted by the respondents for carrying out the selection process was same for all the candidates, the petitioners cannot be permitted to raise any objection because it is entirely within the domain of the Selection Committee to decide the mode of selection.

The writ petition devoid of merit is dismissed accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13-09-2017
Transmission Date	NA

