

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1284 of 2011
IN
Civil Writ Jurisdiction Case No. 425 of 2011**

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1. Satyendra Kumar S/O Late Ishwar Mistri Resident Of Village Sanout, P.O. Goga, P.S. Muffasil, District Gaya.
 2. Ravindra Kumar Sharma S/O Sri Yugal Kishore Sharma Resident Of Village Mor Dihri, P.O. Padrawan, P.S. Jamhaor, District Aurangabad.
 3. Ram Uday Kumar S/O Sri Ram Chandra Prasad Resident Of Village Nawada, P.O. Tilkai, P.S. Makhdumpur, District Jehanabad.

.... Appellant/s

Versus

1. The State Of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Human Resources Development Department, Bihar, Patna.
4. The Director, Human Resources Development Department, Bihar, Patna.
5. The Secretary, Social Welfare Department, Govt. Of Bihar, Patna.
6. The Principal Secretary, Personnel And Administrative Reforms Department, Bihar, Patna.
7. The Chairman, Extremely Backward Stato Commission, Bihar, Patna.
8. The Divisional Commissioner, Magadh Division, Gaya.
9. The District Magistrate, Gaya.
10. The District Welfare Officer, Gaya.
11. The District Education Officer, Gaya.
12. The Headmaster, High School, Karmathu, Belaganj, Gaya.
13. The Head Master, High School, Bharoandha, Gurua, Gaya.
14. The Head Master, High School, Sakordas, Nawadah.
15. The Zila Parishad, Gaya Through The Chief Executive Officer, Gaya.
16. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Gaya.
17. The Chairman, Panel Constitution Committee, Zila Parishad, Gaya.
18. The District Teachers Appointment Appellate Tribunal Gaya Through Its



Member.

19. The Member, District Teachers Appointment Appellate Tribunal, Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Shyam Kishor Sharma GA3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017

Seeking exception to an order dated 28.4.2011 passed by the learned Writ Court in C.W.J.C. No.425 of 2011, this appeal has been filed under Clause 10 of the Letters Patent.

An advertisement was issued on 25.8.2008 for appointment on the post of Teachers (Block level) in various Zila Parishads in the State of Bihar. Petitioners applied and claimed benefit of reservation in the Backward Class category contending that they are Barhis (carpenters) and entitled to the notification and benefit of reservation under the said category. The selection process commenced and the petitioners were permitted to participate in the process of selection as Backward Class candidates. However, in the meanwhile, when the selection process had already commenced on 12.6.2009, the State Government decided to bring the category of 'Barhis' in the Extremely Backward Class and the petitioners filed an application for treating them and granting them benefit of



reservation under the Extremely Backward Class category. When this prayer was rejected by the competent authority, matter was agitated before the Appellate Authority, the Appellate Authority and the learned Writ Court both have consistently held that once the process of selection has commenced and when the petitioners were considered for selection in accordance to the provisions applicable while the advertisement was issued, the subsequent notification dated 12.6.2009 cannot be applied in the case of the petitioners and they cannot get the benefit of reservation in the Extremely Backward Class on the basis of this notification. In holding so, the learned Writ Court has placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of Gopal Krushna Rath vrs. M.A.A. Baig (Dead) by LRS. & Others, reported in (1999) 1 SCC 544. It has been the consistent view of the Hon'ble Supreme Court right from 1999 and even before that that once the process of recruitment is initiated and an advertisement is issued, the Rules and provisions of recruitment cannot be changed in the midst of the selection process and this is the principle which has been followed by the learned Writ Court. Therefore, we find no reason to make any indulgence into the matter as various other cases on the same subject have already been referred to by the Hon'ble Supreme Court in the case of Gopal Krushna (supra) in support of the aforesaid



contention.

Accordingly, finding no error in the order warranting re-consideration, the appeals are dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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CAV DATE	N/A
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