

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5023 of 2014

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1. Md. Adil Hussain Son Of Md. Yasin Resident Of Near Agarwa Muszid, Police Station - Motihari, District - East Champaran
 2. Uday Prakash Son Of Lakshami Prasad Chaudhary Resident Of Village & Post - Ashobhi, Police Station - Bairganiya, District - Sitamarhi
 3. Krishna Prasad Kushwaha Son Of Chhotelal Prasad Kushwaha Resident Of Gahiri Tola Gamhariya, Police Station - Jhakhra, District - West Champaran
 4. Jata Shankar Singh Son Of Bhup Narayan Rai Resident Of Village & Post - Ghiwadhar, Police Station - Harsiddhi, District - East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Revenue & Land Reforms, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Personnel & Administrative Reforms Government Of Bihar, Patna
3. The Bihar Staff Selection Commission, Patna, Through It'S Chairman
4. The Secretary, Bihar Staff Selection Commission, Patna
5. The District Magistrate, East Champaran, Motihari
6. The Additional Collector (Revenue) East Champaran, Motihari
7. The Deputy Collector, Land Reforms, East Champaran, Motihari
8. The Deputy Director Of Police, Muzaffarpur Range, Muzaffarpur
9. The Sub-Divisional Officer, East Champaran, Motihari
10. The Circle Officer, Banjaria, East Champaran, Motihari
11. The Circle Officer, Chiraiya, East Champaran, Motihari
12. The Circle Officer, Paharpur, East Champaran, Motihari
13. The Circle Officer, Motihari, East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. KUNDAN BHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 10-10-2017

Nobody appears on behalf of the petitioners. Learned
counsel for the State is present.

2. The petitioners in this writ petition seek following
reliefs:-

1) For issuance of writ in the nature of



*certiorari to quash the Advertisement No. 01010114 published through Notification No. 604 (4)/Patna, dt. 13/12/2013, by which the respondent Bihar Staff Selection Commission, Patna (hereinafter referred to as the Commission) inviting online applications for regular appointment on the post of **Amin**.*

*II) For issuance of writ in the nature of mandamus directing the respondents authorities to make **one time absorption** of the petitioners and other, who were appointed through proper channel adopting all the procedures by the competent selection committee against the vacant and sanctioned post.*

III) For issuance of writ in the nature of mandamus directing/commanding the respondents to stay the further process of Advertisement No. 01010114 till disposal of this case.

*IV) For issuance of writ in the nature of mandamus commanding the respondents to regularize the petitioners, who have already been appointed following proper criteria, i.e. **Examination, Interview/practical etc.** And their services has been extended time and again.*

OR

*V) For issuance of writ in the nature of mandamus commanding the respondent to modify the minimum qualification as the petitioners and other serving as Amin on being **Matriculation**, but the present Advertisement No. 01010114 provides for **Intermediate** as minimum qualification.*

*VI) For issuance of writ in the nature of mandamus directing the respondents to grant the weightage as given in other appointment procedure like **ANM & Agriculture Coordinator** etc. to the petitioners for their working experience as they are continuously serving to the best satisfaction of the commanding authorities since last*



two years approximately.

VII) For directing the respondents to exempt the petitioners from the examination or to modify the examination to the extent that only qualifying marks required to obtained by these petitioners as now they are in field services and their link from study has quietly closed.

VIII) For directing the respondent authority to be extended the date of filing online application under the Advertisement No. 01010114 as the same is subject matter to this writ application and the petitioners have not applied by challenging the same.

IX) For any other relief/reliefs, for which the petitioners are entitled for.

3. Counsel appearing on behalf of Bihar Staff Selection Commission submitted that earlier Shambhu Prasad Singh filed MJC No. 975 of 2013 in C.W.J.C. No. 10343 of 2007 for relaxation of certain conditions of the advertisement for appointment of Amin, but a Division Bench of this Court held in LPA No. 388 of 2014 that the eligibility condition for appointment on the post of Amin shall be fixed by the State Government and this Court cannot issue any direction to specify or to fix any eligibility condition of a candidate in advertisement to fill up the vacant posts of Amin. It is the exclusive domain of the State Government to fix the eligibility of a candidate for appointment on the post of Amin and the Commission after taking the examination fill up the posts according to the condition of the eligibility of the candidates, fixed in accordance with law by the State



Government.

4. It appears that in view of the judgment passed in LPA No. 388 of 2014, the petitioners have lost their interest in pursuing the writ petition. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2017
Transmission Date	NA

