

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14609 of 2016

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Deo Narayan Prasad S/o - Shri Ram Govind Shah R/o Flat No. 201 (B) New Vrindavan Apartment Malahipark Post office At: - Lohia Nagar State : - Bihar.

.... Petitioner/s

Versus

1. The High Court of Judicature at Patna (Administrative Side) through its Registrar General, Bihar, Patna.
2. The Government of Bihar, through the Principal Secretary, General Administration Deptt., Old Secretariat, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar No. – I Advocate Mr. Akshay Lal Pandit Advocate Mr. S. Azeem Advocate
For the Respondent/s	:	Mr. Partha Sarthi GA-4 Mr. Mrigendra Kumar AC to GA-4
For the High Court	:	Mr. Piyush Lal Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-07-2017

Heard learned counsel for the petitioner, counsel for the respondent-Patna High Court and the State.

The writ application of the petitioner is ill-advised and misplaced, because the Court cannot direct the respondents to make provision for reservation at a belated stage and that too on a Rule, which has been amended and notified on 28.12.2016. The



advertisement was issued way back on 22.08.2016 itself. The advertisement cannot be amended or modified from retrospective date on the basis of a subsequent Rule.

The law is rather well-settled on one to many occasions, even by the Hon'ble Apex Court that the advertisement, which has already been issued, the terms and conditions thereof ought not to be interfered with, because the rule of the game cannot be allowed to be changed in the midst of the game.

If amendment has been brought about in the Rule based on the Hon'ble Apex Court decision rendered on 29.09.2016, in the case of **Government of Bihar & Others Etc. Etc. Versus Dayanand Singh Etc. Etc., i.e., Civil Appeal No(s). 9921-9923 of 2016**, it will have prospective effect.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	06.07.2017
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