

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8590 of 2016

- =====
1. Amresh Kumar Son of Sri Ram Sewak Sah Resident of Village Taksari, PO Naurangia, PS Gulbara Madhuban, District East Champaran.
 2. Prabhat Bharti, Son of Sri Dhaneshwar Prasad Singh Resident of Mohalla Prakash Path, Near Zero Mile, P.O. Bhikhanpur, PS Ahiyapur, District Muzaffarpur.
 3. Rajesh Kumar Son of Sri Ram Parvesh Singh Resident of MOhalla- Aadarsh Colony, PS Kazi Mohammedpur, district Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Principal Secretary, Science and Technology Department, Bihar, Patna.
2. The Principal Secretary , Science and Technology Department, Government of Bihar, Patna.
3. The Additional Secretary Science and Technology Department, Government of Bihar, Patna.
4. The Joint Secretary, Science and Technology Department, Government of Bihar, Patna.
5. The Director, Science and Technology Department, Government of Bihar, Patna.
6. Bihar Public Service Commission, Patna through its Chairman15, Jawaharlal Nehru Marg, Patna.
7. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.
8. The Joint Secretary-cum-Controller of Examination , Bihar Public Service Commission, Pantag;

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
		Mr. Sanjeev Kr. Singh, Advocate
For the State		Mr. Dharendra Kumar, AC to AAG-6
For B.P.S.C.		Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2017

The apprehension of the petitioners is that contrary to



the Recruitment Rules formulated under Article 309 of the Constitution the advertisement stipulates weightage of 5% marks instead of 10%.

Keeping in view the averments made in para Nos.8 and 9 of the counter affidavit, which read as under:

“8. That the answering deponent with regard to the averments made in paragraph nos.5 to 12 of the writ petition humbly states that earlier the scheme of 5% weightage was introduced in the Bihar Engineering Education Service Rule 2014 and the Bihar Polytechnic Education Service Rule 2014 by amending them. But unfortunately the amendment made in Polytechnic Education Service Rule 2014 was set aside on technical grounds in CWJC No.14480 of 2014. Therefore both cadre rules were amended again in exercise of Power conferred by Article 309 of Constitution of India vide Annexure-6 & 7 to the aforesaid writ petition. As such the previous amendment regarding 5% weightage to contractual teachers in the Bihar Engineering Education Service Rule 2014 was not enforced.

9. That the answering deponent with regard to the averments made in paragraph nos. 13 to 21 of the writ petition humbly states and submits that vide Letter No.2170 dated 08.09.2015 instruction has been given to Bihar Public Service Commission to grant weightage (10%) to the candidates who have worked under the Department in contractual capacity against the advertisement made on the basis of requisition sent in calendar year 2014 for the post of Assistant Professor in light of amendment made by the aforesaid notification no.2146 dt. 08.09.2015. Therefore apprehension of the petitioners that they would not get benefit of 10% weightage is not correct.”



if the respondents are granting weightage of 10% marks in accordance to the existing Recruitment Rules and if the selection is being undertaken accordingly by granting 10% weightage to persons like the petitioners, we see no reason to grant any further indulgence into the matter.

The respondents may proceed in the matter as indicated by them in the counter affidavit in para Nos.8 and 9 as reproduced hereinabove and complete the same in accordance with law.

The petition is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.4.2017
Transmission Date	N/A

