

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16873 of 2008

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Satish Chandra, Son of Sri Yogi Thakur, Resident of Mohalla-Panchshil Nagar,
P.O.- Barh, Police Station-Barh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary-cum- Commissioner, Department of Rural Development, Government of Bihar, Patna.
3. The Additional Secretary, Department of Rural Development, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Rural Development, Government of Bihar, Patna.
5. The Joint Development Commissioner, Department of Rural Development, Government of Bihar, Patna.
6. The Deputy Development Commissioner, Department of Rural Development, Government of Bihar, Saran, Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Avinash Kumar, Adv.

For the Respondent/s : Mrs. Ratna Kumari, A.C. to P.A.A.G-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Advertisement No.1780 dated 06.12.2006 was published under the signature of the Additional Secretary, Department of Rural Development, Government of Bihar, for appointment of different posts under the District Development Agency. A Corrigendum was issued, whereby the age limit of different category was modified. In pursuance to the aforesaid advertisement, the petitioner applied for the same. The petitioner



was issued admit card, he appeared in the test. The result was published on the basis of merit obtained by the candidates. The competency test was fixed on 20.07.2007 and the petitioner was asked to appear in the aforesaid test and the petitioner did appear in the said test. Final result was published on 02.10.2007 and the category wise merit list was prepared, adding the marks obtained in the skill test. Finally, the result of successful candidates was published and accordingly, the letter of appointment was issued on 05.10.2007 under the signature of the Deputy Secretary, Rural Development Department. The petitioner was asked to appear before the Deputy Development Commissioner, Saran on or before 30.10.2007 and the petitioner was also directed to appear before him along with the original educational certificates, caste certificate, admit card and recent disability certificate.

3. After completion of all the formalities, the petitioner joined as Computer Operator on 23.10.2007 and was discharging the duty successfully, but suddenly, vide memo no.11501 dated 12.08.2008 passed by the Deputy Secretary, Department of Rural Development, Government of Bihar, Patna, the appointment of the petitioner including others were cancelled on the ground that they were appointed in contravention of para-9 sub-para (i) (b) of the Brochure and para-4 of the appointment letter. Clause-9(i)(b) of the



Brochure is as follows:-

“9(i) (b) Before submitting the Application Form, the candidate must carefully read the eligibility conditions of the Post(s) applied for and satisfy himself that he fulfills all the eligibility conditions. The Department does not undertake and scrutiny of the Application Forms before the examination and all applicants except those applicants whose Application Form are summarily rejected, are allowed to appear in the examination and their eligibility will be verified only after the examination. Accordingly merely because a candidate has been allowed to appear in the examination will not be considered as a ground for his/her being eligible for the post(s) applied for. If on verification at any time during the recruitment process and thereafter, it is found that he/she does not fulfill any of the eligibility conditions, her candidature will be cancelled by the Department without giving any notice whatsoever.”

4. On perusal of the impugned order, it appears that the ground for termination of service has been mentioned that on perusal of the paper of the skill test and certification it is found that 30 persons had secured zero (o) marks in any of the segment, led to termination of service.

5. Learned counsel for the petitioner submits had there



been zero (o) marks in any of the segment the petitioner was not called for interview test. But, from the record, it appears that skill test was conducted after the interview not before the interview that too the petitioner has not only been visited with such order but other 29 persons have also been terminated from engagement. Further, the petitioner was not holding a civil post, but was holding a contractual post inasmuch as petitioner had secured zero (o) marks in any of segment. This fact has not been disputed by the learned counsel for the petitioner and he is not in a position to point out any illegality in the finding recorded in the impugned order.

6. In such view of the matter, this Court does not find any merit in this writ application. Accordingly, this writ application is dismissed. If such advertisement is published, the petitioner will be at liberty to participate in the selection process and his candidature would not be rejected merely because of the outcome of the present petition.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	17.11.2017
Transmission Date	N/A.

