

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4254 of 2016

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1. Vijay Kumar, son of Late Laxman Sah, Resident of Mohalla- Katra, Pataleshwar More, P.O. and P.S.- Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Energy Deptt, Government of Bihar, Patna.
2. The Chief Managing Director-cum-Chairman, Bihar State Power Holding Company Limited (BSPHCL in short), Vidyut Bhawan, Bailey Road, Patna.
3. The Director (HR), Bihar State Power Holding Company Limited (BSPHCL in short), Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, Bihar State Power General Company Limited (BSPGCL in short).
5. The Managing Director, Bihar State Power Transmission Company Limited (BSPTCL in short).
6. The Managing Director, North Bihar Power Distribution Company Limited (NBPDCCL in short).
7. The Managing Director, South Bihar Power Distribution Company Limited (SBPDCL I short) All 4 to 7 Vidyut Bhawan, Bailey Raod, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Adv.

For the Respondent/s : Mr. Ritesh Kumar- SC33

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 09-02-2018 Heard Mr. Mukesh Kumar Jha, learned counsel for the petitioner, Mr. Ranjeet Sinha for the respondent Company and Mr. Arbind Kumar, A.C. to G.A.9 for the State.

The petitioner is aggrieved by his non selection for the post of Junior Engineer by the Bihar State Power Holding Company Ltd. following the selection process initiated vide Employment Notice dated 2 of 2014. The reasons for non selection of the petitioner is discussed in paragraph 10 of the counter affidavit so



filed by the respondent Company and it is stated that since the State Government does not recognize any diploma by distance education and since the petitioner has obtained such diploma from distance education that he has not been selected.

Prescribing qualification and grant of recognition of a degree is entirely within the domain of the selection authority and in case they have decided to follow the guidelines of the Central Government who do not grant recognition to a Diploma earned by the candidate through distance mode of education for the appointment in question, this Court in exercise of extra ordinary jurisdiction would not issue a mandamus to that effect for it is entirely within the executive domain to take a decision on such issue.

In view of the explanation so advanced in the counter affidavit no cause for indulgence is made out. The writ petition is dismissed.

(Jyoti Saran, J)

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