

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4688 of 2017**

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1. Virendra Kumar S/o Sri Ramautar Prasad Resident of Mohalla-Jay Mahavir Colony Road No.-05 Sandalpur, Post-Mahendru, P.S.-Bahadurpur, Dist.-Patna.
  2. Vinay Kumar S/o Ram Vilash Roy, Resident of Mohalla-Shubhai, P.O.-Shubhai, P.S.-Hajipur, Dist.-Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Animals and Fishery Resources Department, Govt. of Bihar.
2. Bihar Public Service Commission represented through Secretary, Bailey Road, Patna.
3. Principal Secretary, Cabinet Secretariate Govt. of Bihar, Patna.
4. Principal Secretary, General Administration Govt. of Bihar, Patna.
5. Director, Agriculture Department, Govt. of Bihar, Patna.

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Nawal Kishore Singh  
Mr. Binoy Kumar

For the State : Mr. RAJ KISHORE ROY, GP-18

For the BPSC : Mr. Zaki Haider

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date: 22-02-2018**

The present case arises out of an advertisement dated 01.03.2017 issued by the Bihar Public Service Commission regarding appointment on the post of Mobile Veterinary Officer. The dispute in the present case has arisen on account of Clause-3 mentioned in the advertisement dated 01.03.2017 which specifies that the weightage would be given for the work experience to those veterinary doctors who are working as Subject Matter Specialized (hereinafter referred to as 'S.M.S.') as well as those working with COMFED or Jeevika.

The grievance of the petitioners herein is that the petitioners



herein are working on the post of Assistant Technology Manager and Block Technology Manager in the State Government services on contract basis, however, despite there being equivalence with the post of SMS, the petitioners are wary of the fact that their experience would not be considered since the said advertisement specifically mentions that the work experience of only those veterinary doctors, who are working on the post of SMS, shall be considered.

The learned counsel for the petitioners has relied upon the guidelines issued by the Central Government on the subject matter to show that the post of SMS has been proposed to be re-designated as Assistant Technology Managers. The learned counsel for the petitioners further relies on a letter of the Agriculture Department, Government of Bihar dated 20.07.2014 issued under the pen and signature of the Principal Secretary, Agriculture, Bihar, Patna, addressed to all the Districts Officers-cum-President to the effect that the nomenclature of the post of SMS has been changed to Assistant Technology Manager, hence further action be taken accordingly.

The learned counsel for the respondents have submitted that the advertisement is very specific on the issue and only those doctors who are either posted as S.M.S. or working with COMFED or Jeevika would only be liable to be considered for the purposes of the said advertisement and appointment on the post of veterinary medical



officer. However, the learned counsel for the respondents has neither refuted the guidelines issued by the Central Government nor the letter dated 20.07.2014 issued by the Agriculture Department, Government of Bihar, hence I deem it fit and appropriate to direct the respondent no. 1 to consider the said guidelines and the said letter dated 20.07.2014, issued by the Agriculture Department, Government of Bihar, for the purposes of counting the work experience of the petitioners while considering their candidature for the purposes of appointment on the post of Veterinary Officer.

The writ petition is disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

S.Sb/-

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