

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5200 of 2017

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1. Vinay Ranjan S/o- Rabindra kumar Singh Resident of Adarsh Vihar, Road No. 2, Ramkrishna Nagar, Patna, P.O. Khemichak, P.S.- Ramkrishna Nagar, District- Patna.
 2. Chandrama Ram S/o late Bharat Ram Resident of Village- Parsa Sankardih, PO+PS- Parsa, District- Saran.
 3. Pankaj Kumar Yadav S/o- Sri Jay Narayan Prasad Yadav Resident of Village- Shankarpur, P.O.- Abhirampur, P.S. Chausa, District- Madhepura.
 4. Prafull Kumar S/o Arun kumar Arun Resident of Village+Post- Kolhaypatti, P.S.- Muarliganj, District- Madhepura.
 5. Uma Kant Kumar S/o- Ramakant Sharma Resident of Village- Nagwan, P.O.- Bisunganj, P.S.- Ghosi, District- District- Jehanabad.
 6. Biresh Kumar S/o Sri Dayal Prasad Yadav Resident of Village- Matokhar, P.S. Kare, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar , through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Director, Urban Development and Housing Department, Government of Bihar, Patna, Govt. of Bihar, Patna.
5. The Deputy Director, Urban Development and Housing Department, Government of Bihar, Patna.
6. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.
7. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-07-2018

This writ petition has been filed making a prayer
which reads as under:-



- “I. For a direction upon the respondent authorities to amend the Educational Qualification prescribed in Rule 7 (ii) of the Bihar City Manager Cadre (Appointment and Service Conditions) Rule, 2014 and further the Diploma holder in Public Administration be also held eligible for the post of City Manager.
- II. For issuance of direction to the respondent authorities to accept the application of the petitioners who are having the degree in Public Administration and have submitted their application as against advertisement no. 210101116.
- III. For any other relief for which the petitioner may be deemed to entitle.”

From the aforesaid, it is clear that an educational qualification has been prescribed in Rule 7(ii) of the Bihar City Manager Cadre (Appointment and Service Conditions) Rules, 2014. The petitioners want this Court to issue a mandamus to the effect that a diploma holder in Public Administration be also held eligible for appointment to the post of City Manager.

In our considered view, this cannot be done by us. The question of prescribing a qualification for appointment to a post and the requirement of such appointment are wholly within the domain of the competent authority formulating the rule



under Article 309 of the Constitution and as the same are based on expert opinion received and technical evaluation, the Writ Court cannot substitute itself, step into the shoes of the rule making authority and prescribe the qualification to be relevant for appointment to the post in question.

The prayer made for making a diploma holder in Public Administration eligible for appointment to the post and issuing a mandamus for amending the rule to that effect being beyond the jurisdiction of this Court under Article 226 of the Constitution, we find the petition to be wholly perverse, misconceived and beyond the jurisdiction of this Court and, accordingly, dismiss the same.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	19.07.2018
Transmission Date	

