

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.718 of 2018

In
Civil Writ Jurisdiction Case No.5749 of 2016

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Md. Yahya, son of Md. Wasi Ahmad, Resident of Village- Rupaspur, P.S.-
Alinagar, District- Darbhanga.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Additional Director General of Police, Criminal Investigation Department (C.I.D.), Government of Bihar, Patna.
3. Director, Forensic Science Laboratory, Police Barrock, Near Lalit Bhawan, Bailey Road, Patna.
4. Staff Selection Commission, Bihar through its Chairman, Veterinary College, Patna.
5. Secretary, Staff Selection Commission, Veterinary College, Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr. P.K.Verma -AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-07-2018

Seeking exception to an order dated 19.04.2018 passed
by the Writ Court in C.W.J.C. No.5749 of 2016, this appeal has
been filed under Clause-10 of the Letters Patent.

Petitioner was a candidate, who had sought appointment
on the post of Senior Scientific Officer in the Forensic Science
Laboratory, Government of Bihar, Patna. He was holding a post of
Laboratory Bearer in the Forensic Science Laboratory, Patna and
for appointment to the post in question, he sought grant of



additional marks for the work experience gained by him as the Laboratory Bearer. The same having been rejected, the writ petition was filed and the learned Writ Court having dismissed the claim, the appeal before us.

The only question that warrants consideration is as to whether the petitioner is entitled to seek extra marks for the work experience gained by him for the substantive post of Laboratory Bearer. In this regard, we find that Writ Court in extenso has referred to the Bihar Police Manual and Appendix 99, Vol.3 thereof and it is indicated that only the work experience gained by a person in a technical post can be treated for grant of additional marks and working in a non-technical post does not entitle to a person to claim additional marks. Admittedly, in the appendix under the relevant Manual, the post of Laboratory Bearer is shown as a non-technical post and, therefore, rightly, in view of the statutory provision, the benefit has not been granted to the petitioner.

Learned counsel for the petitioner emphasized that certain Committees and Members had recommended and in the past also, the same has been done and marks for experience granted. If illegality or errors have been committed in the past and the benefit has been granted contrary to the statutory rule, we



cannot perpetuate the illegality committed in the matter. We are bound to implement the statutory provision and learned Writ Court having implemented the statutory provisions in accordance with law, we see no error in the same warranting interference. The appeal, stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2018
Transmission Date	

