

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11480 of 2014

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Prashant Kumar Varun S/o Sri Chandan Kumar Singh Resident of Mohalla Shivpuri behind Bal Bharti School, Purnea, P.S. Maranga, District Purnea.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, General Administration, Department of Bihar, Patna.
 2. Principal Secretary, Animal Husbandry & Fisheries Resources Department, Government of Bihar, Patna.
 3. Special Secretary, Animal Husbandry and Fisheries Resources Department, Government of Bihar, Patna.
 4. Deputy Secretary, Animal Husbandry and Fisheries Resources Department, Government of Bihar, Patna.
 5. Director, Animal Husbandry, Government of Bihar, Patna. Respondents
- =====

Appearance :

For the Petitioner : Mr. Jitendra Prasad Singh, Advocate

For the Respondents : Mr. ANSHUMAN SINGH,

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-01-2018

Heard counsel for the petitioner and the State.

2. While the Government was making the contractual appointment of Live Stock Assistant (Pashudhan Sahayak), it prescribed Plus two Intermediate (Biology) qualification as the minimum eligibility criteria. The petitioner, who possessed nine months certificate course in Artificial Insemination and Minor Veterinary Services from the Nalanda Open University, claiming parity with the said qualification, approached this Court along with others by filing C.W.J.C.No. 18319 of 2012. The writ petition was disposed of vide order dated 27.6.2013 with liberty to the petitioners of the said writ petition to approach the respondent



authorities by filing a representation. It appears that the said contractual appointment process was aborted which is noticed in the order dated 30.5.2014 (Annexure 6). Thereafter the State Government has come out with a notification dated 2.6.2014 (Annexure 7) exercising its power under proviso to Article 309 of the Constitution of India, whereunder the minimum qualification of Intermediate Science (Biology) has been laid down for the appointment of Live Stock Assistant. The petitioner has again filed the writ petition claiming that his nine months certificate in Artificial Insemination and Minor Veterinary Services from the Nalanda Open University be included in the qualification as eligibility for appointment of Live stock Assistant.

3. The nine months certificate which the petitioner has obtained from the Nalanda Open University cannot be considered as an equivalent of Intermediate Science (Biology). No ground has been given in the writ petition to show that the nine months certificate qualification can be considered as equivalent qualification to Intermediate Science (Biology) degree which is the minimum qualification for appointment of Livestock Assistant. The standard for selection to the aforesaid post has been laid down by the State Government keeping in view the requirement for that post for which the qualification has been prescribed. Petitioner has



admittedly lower qualification, thereby he has no claim and the Court while exercising its jurisdiction under Article 226 of the Constitution of India cannot interfere in the matter as the State policy is not arbitrary or in any way discriminatory to the petitioner, who is having lower qualification than what is prescribed in the writ petition.

4. In view of the aforesaid discussions, the writ petition is dismissed

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
Uploading Date	6.1.2018
Transmission Date	NA

