

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1109 of 2019

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Awadhesh Kumar Tiwary S/o Late Raj Narayan Tiwary Resident at Prabha Sadan, Road No.3B, Near Pump House, Lal Babu Market, North Shastri Nagar, P.S. Shastri Nagar, Dist.-Patna, at present posted as clerk, Accounts Department, Civil Court, Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
2. Principal Secretary, Finance Department, Govt. of Bihar, Patna
3. Chairman, Bihar Public Service Commission 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1
4. Joint Secretary cum Examination Controller, Bihar Public Service Commission 15, Jawaharlal Nehru Marg, Bailey Road, Patna-1

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha, Advocate
For the State	:	Mr. H.S. Sudarshan, AC to SC 8
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Vivek Anand Ammitesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 10-04-2019

Heard counsel for the petitioner, the respondent State as well as Commission.

Prayer made in the writ petition is that this Court should issue a direction so that the respondents permit him to participate in the limited departmental examination being conducted pursuant to Advertisement no. 9 of 2018 for appointment to the post of Accounts Officer. The process has been initiated by the Bihar Public Service Commission.

It is submitted that except the requirement stipulated



under note 3 of Clause 3 of the said advertisement the petitioner possesses all other eligibility and has served in the Civil Court in the State of Bihar for the last 18 years. It is submitted that he has participated and successfully cleared the examinations conducted in his organization. In support of which he has enclosed the results in the writ petition.

The appointment to the post of Accounts Officer is being conducted under the Accounts Service Rule, 2000 as amended from time to time. The requirement is in keeping with the nature of duties required to be performed after recruitment. Once the uniform requisite qualifications have been laid down, petitioner, who admittedly is not having the requisite qualification and is disqualified cannot be permitted to appear or participate in the selection process.

The writ petition is devoid of merits and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

