

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.282 of 2019

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1. Badri Prasad Yadav S/o Late Rati Lal Yadav Resident of Village-Laxminia, P.O.-Nandlali, P.S.-Bihra, District-Saharsa
 2. Baidya Natth. Das S/o Bilat Das Resident of Mohalla-Gangjala, P.O., P.S. and District-saharsa
 3. Jai Narayan Ray S/o Ram Kishun Ray Resident of Village-Sattar Kataiya, P.S.-Bihra, District-Saharsa
 4. Subhash Prasad Yadav S/o Fusan Yadav Resident of Village-Jarsain, P.O.-Nandlali, P.S. and District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Old Secretariat, Patna
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Collector, Establishment, Collectorate, Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ras Nibash Prasad Mr. Mukesh Kumar
For the Respondent/s	:	Mr.AC to AG

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 25-07-2019 Heard counsel for the petitioners and counsel for the respondents-State.

Petitioners are candidates for appointment of Grade IV post in the Collectorate, Saharsa.

Counsel for the petitioners submits that petitioners are candidates pursuant to advertisement of the year 2006 and therefore enhanced requisite qualification which has come later cannot apply while considering the petitioners' claim. It is



submitted that petitioners are similarly situated as petitioner of C.W.J.C. No. 17958/2014 as per order passed in M.J.C No. 2778/2017 on 26.09.2018.

Petitioners are also entitled for consideration of their claim for appointment on the basis of 8th pass as that was relevant requisite qualification in the year 2006.

State counsel submits that against the order passed in favour of Ram Chandra Pandit & others in C.W.J.C. No. 17958/2014 and M.J.C No. 2778/2017, State has preferred L.P.A. The claim of Ram Chandra Pandit and others is pending adjudication by the Division Bench.

This Court has heard rival contentions of the parties and after due consideration of the opinion that petitioners are at par with the petitioners of C.W.J.C. No. 17958/2014 would also be entitled to parity in the matter of requisite qualification applied in their selection process. Whether the same would be granted to the petitioners of C.W.J.C. No. 17958/2014, after decision of the Division Bench is a future issue, as of today, the respondent authorities have only to see whether claim of the petitioners is at par with Ram Chandra Pandit (supra).

That being so, writ petition is disposed of with liberty to the petitioners that they will be submitting their



representation before District Magistrate, Saharsa within four weeks.

It is needless to say that petitioners if found similarly situated as petitioners in C.W.J.C. No. 17958/2014 would be entitled to the similar consideration as would be granted to the petitioners of the said case.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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