

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4354 of 2019

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Mukesh Kumar, Son of Ram Nandan Ray R/o Village-Bajitpur Kodaria, P.S.
Kudhani, District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Deputy Mission Director Bihar Administrative Reforms Society, Bihar, Patna
3. The District Magistrate Muzaffarpur
4. The Deputy Collector Establishment Muzaffarpur
5. The District Information Science Officer Muzaffarpur
6. The District Information Technology Officer Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Respondents : Ms. Divya Verma (AC to AAG-3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-03-2019

Heard the learned counsel for the petitioner and the State.

2. For the preparation of a panel for the purposes of appointment of Executive Assistant on contract basis, an advertisement was issued under the signature of the Deputy Collector District Establishment, Muzaffarpur on 27.08.2018. Separate categories of candidates was earmarked with respective age caps for applying for the aforesaid post. The minimum qualification was fixed at Matriculation along with a working knowledge of the computer operating system viz. MS Word, MS Excel and MS Power Point etc.



3. The petitioner though had applied online but was not given the admit card prior to the typing test. The petitioner has apprehension, which is based on a notice which was issued by the Deputy Collector, District Establishment, Muzaffarpur dated 05.01.2019 contained in Letter No. 23 that admit card can be downloaded by such candidates who have applied for the post against the advertisement and who have the Matriculation or equivalent qualification with 60% marks. Because of less marks obtained by the petitioner in the Matriculation, he has not been issued the admit card.

4. Learned counsel for the petitioner has submitted that this notice, referred to above, is beyond the terms of the advertisement which was issued by the Deputy Collector District Establishment, Muzaffarpur. No percentage of marks in Matriculation has been stipulated in the advertisement and therefore such extra qualification could not have been brought forth by way of notice.

5. The first round of examination is over which appears from Annexure-4, which is a list of dates on which successful candidates have to appear before the concerned authority for counseling. The aforesaid list clarifies that such panel has been prepared in the first round/stage. The petitioner, therefore, has the expectation that another panel is to be prepared after the second round of test.



Since the petitioner has been shut out from participating in the first round, he definitely deserves to be given an opportunity in the second round of selection process as he has already applied and has wrongly not been given the admit card.

6. However, this Court finds that no representation or complaint has been made by the petitioner before the Deputy Collector, District Establishment, Muzaffarpur for any breach of the requirement in the advertisement or non-supply of admit card to him.

7. Under the aforesaid circumstances, taking into account the assertion of the petitioner that further process of preparation of panel is still pending and may be taken up any time, this Court directs the petitioner to make a fresh representation to the Deputy Collector, District Establishment, Muzaffarpur within a period of one week from today, along with a copy of this order. On receipt of such representation, the concerned respondent shall look into the matter and if there is no requirement of 60% in Matriculation and the petitioner being found to be eligible for applying for the post of Executive Assistant, necessary orders shall be passed forthwith preventing any dissatisfaction to any applicant/petitioner. Needless to say that the aforesaid representation/complaint shall be



disposed of by the Deputy Collector, District Establishment, Muzaffarpur, by a reasoned order within a period of two weeks thereafter but definitely before the second round of preparation of the panel is undertaken.

8. The writ petition stands allowed to the extent indicated above.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2019
Transmission Date	

