

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13329 of 2014

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1. Pinku Kumar, S/o Sita Ram Yadav, Resident of Kunkun Singh Lane, P.S. - Pirbahore, District - Patna
 2. Soni Kumari, D/o Sri Arvind Kumar Singh, Resident of Vishwamitra Colony, Charitra Van, PS - Modal, District - Buxar.
 3. Manas Kumar Yadav, S/o Yogendra Prasad Yadav, Resident of Barari Purani Diorhi, P.S. - Barari, District - Bhagalpur.
 4. Amit Kumar, S/o Devendra Prasad Singh, resident of Village - Basti Jalal, P.O. - Basti Jalal, P.S. Dighwara, District - Saran.
 5. Rakesh Kumar, son of Ramvarth Roy, Resident of Golabpur, Opp. - Chintamani Lodge, Post - Mahendru, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, General Administration Department, Bihar, Patna.
3. Joint Secretary, General Administration Department, Bihar, Patna.
4. Secretary, Art, Culture and Youth, Govt of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Krishna Chandra, Advocate
For the Respondent/s : Mr Ramadhar Singh, GP XXIV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioner and the respondent-State.

Government of Bihar has issued the Bihar Outstanding Sports Persons Appointing Rules, 2009 (for brevity, 2009 Rules) for facilitating appointment of outstanding sports persons against Groups C & D Posts. Advertisement was issued on 01.03.2011 in response to which the petitioners, having represented at National Level Games, made their applications.



The fact that the petitioners participated in National Level Games is admitted by the respondents, specifically in paragraph 12 of their counter affidavit wherein they have said that the petitioners had only represented Bihar in National Championships. Claim of the petitioners was considered and since no posts were available in Group C, their claim for appointment under the 2009 Rules was recommended on Group D post by the Selection Committee under its Communication dated 30.11.2012. Petitioners complain that in spite of having been recommended for appointment on Group D posts by the Selection Committee, the recommendation has not been given effect to till date. The action of the respondents have resulted in frustrating the 2009 Rules.

Counter affidavit has been filed by the State. Till date, there is no decision of the authorities on the recommendation made in favour of the petitioners.

In the counter affidavit, stand has been taken that the recommendation has been rejected having regard to the provisions contained in the Amendment to the 2009 Rules by Notification dated 12.12.2012, without annexing any such order.

Amendments have come into existence much subsequent to the Advertisement as also the recommendation of



the Selection Committee dated 30.11.2012. Whether the subsequent Amendment/Notification dated 12.12.2012 could be relied upon or not is an issue which has to be examined in light of the reasons assigned by the authorities.

Since, there is no final order of the Authorities upon the recommendation dated 30.11.2012, writ petition is disposed of with a direction to respondent No 4 to take a decision in this regard under due intimation to the petitioners. The decision should be communicated to the petitioners without undue delay expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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