

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8791 of 2015

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1. Krishna Nandan Kumar and Ors S/o Sri Umashankar Rai R/o At P.O. Mejarganj, P.S. Mejarganj, District - Sitamarhi
 2. Kanhaiya Prasad Son of Sri Anant Prasad R/o At P.O. Bairginiyan, P.S. Bairginiyan, District - Sitamarhi
 3. Surendra Rai Son of Sri Anup Rai R/o At P.O. Mejarganj, P.S. Mejarganj, District - Sitamarhi
 4. Braj Nandan Rai Son of Sri Prabhu Rai R/o village - Dhampur, P.O. Shahi Meenapur, P.S. Nampur, District - Sitamarhi
 5. Gajendra Kumar Son of Sri Ram Udar Singh R/o village - Rampur Majhauilya, P.S. Dumra, District - Sitamarhi
 6. Jitendra Rai Son of Late Dukha Rai R/o village - Phulparsi, P.S. Sahiyara, District - Sitamarhi
 7. Ram Baksis Thakur Son of Late Rajendra Thakur R/o village - Hanuman Nagare, P.O. Paktola, P.S. Dumra, District - Sitamarhi
 8. Keshav Kumar Son of Sri Raj Nandan Singh R/o village - Shambhu Nagar, P.O. Thumma, P.S. Runni Saidpur, District - Sitamarhi
 9. Raghuveer Kumar Son of Sri Harivansh Bhagat R/o village - Rampur, P.O. Rasdpur, P.S. Dumra, District - Sitamarhi
 10. Guddu Kumar Son of Sri Pramod Rai R/o village - Ram Nagar, P.S. Bathnaha, District - Sitamarhi
 11. Rama Shankar Paswan Son of Late Yogi Paswan R/o At P.O. Bhawdepur Got, P.S. Riga, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Education Department, Government of Bihar, Patna
3. The Director, Bihar Education Project Council, Rajendra Nagar, Patna
4. The District Magistrate, Sitamarhi, District - Sitamarhi
5. The District Education Officer, Sitamarhi, District - Sitamarhi
6. The District Project Officer Establishment , Sitamarhi, District - Sitamarhi
7. The District Project Officer Primary Education and Sarv Shiksha Abhiyan Sitamarhi, District - Sitam
8. The District Programme Co - Ordinate Bihar Mahila Samakhya Society, Sitamarhi, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar



For the Respondent/s : Mr. Kamlesh Kishore AC to SC-12
For the BEPC : Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-07-2019 Heard learned counsel for the petitioners and the respondents.

The petitioners were initially engaged as Night Guard in Kasturba Gandhi Balika Vidyalaya for a period of one year. On completion of one year, the respondents advertised the post with the changed qualification.

Learned counsel for the petitioners submits that the fresh advertisement with new qualification is designed to oust the petitioners from consideration zone.

Mr. Girijesh Kumar, learned counsel for the respondents submits that it is well within the jurisdiction of the respondents to prescribe qualification and also introduce the reservation policy in the matter of appointment and in the changed qualification if the respondents decided to make appointment, there is no arbitrariness and infirmity in the action of the respondents.

It is now well settled that the appointing authority may amend the qualification and amend the Rule for recruitment with only rider that if they revised the qualification and Rule they have to start fresh selection process and the



amended Rule cannot be applicable.

In the present case, the amended qualification and Rule and the reservation was not made applicable in the fresh selection process and as such the Court does not find any infirmity in view of the judgment in the case of **State Of M.P vs Raghuveer Singh Yadav**, reported in **1994 SCC (6) 151**.

Accordingly, the writ application is dismissed.

(Anil Kumar Upadhyay, J)

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