

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9070 of 2019

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1. Kumar Gaurav S/o Late Vikash Chandra Singh Vill.- Athari, Gargatta, P.s.-
Runi Saidpur, distt.- Sitamarhi
 2. Sunil Kumar Bharti S/o Bhagwati Ram Resident of Jamuanw, P.s.- Bhabhua,
Distt.- Kamaur

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary Govt. of Bihar, Patna
3. The Principal Secretary General Administration Department, Govt. of Bihar,
Patna
4. The Principal Secretary Water Resource Department, Govt. of Bihar, Patna
5. Bihar Technical Service Commission Patna through its Chairman
6. The Chairman Bihar Technical Service Commission, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Harish Kumar (Gp8)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners, State and

learned counsel appearing on behalf of the Bihar Technical

Service Commission.

Petitioners have approached this Court for a direction
to the respondents to consider their candidature for appointment
pursuant to advertisement no. 01 of 2019.

Learned counsel for the petitioners submits that the
qualification of the petitioner obtained by way of distant
education. The courses have been declared to be equivalent by
the appropriate government, in response to the query made in



the Rajya Sabha, he referred Annexure-6 to the writ application in this regard.

Learned counsel appearing on behalf of the respondents would submit that the rule has been framed by the respondents whereby qualification has been prescribed, the rule does not recognized any diploma or degree through distant education as appropriate.

The selection process has commenced pursuant to the Rules and this Rule is declared to be intra vires and such, one cannot find fault with the selection process. So long as rule stands, the Court is not in a position to issue any positive direction. However, liberty shall be available to the petitioners to persuade the authorities with reference to Annexure-3 that the diploma or degree obtained through distant mode is also recognized at par with regular diploma course.

With the aforesaid liberty, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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