

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7892 of 2018**

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1. Arun Kumar Ram @ Arun Kumar, S/o late Budhan Ram R/o Nawada Ara, P.S. Nawada, District- Bhojpur.
2. Laxman Sah S/o late Sheodayal Sah R/o Ram Sagar Matukpur, P.S. Badhera, District- Bhojpur.
3. Ranjeet Kumar S/o Kedar Prasad R/o Badka Dumra, P.S. Muffasil Ara, District Bhojpur.
4. Dharmendra Ram S/o late Deo Narayan Ram R/o Karwan, P.S. Mufassil Ara, Bhojpur.
5. Sanjay Sah S/o Ramautar Sah R/o Khajuriya, P.S. Muffasil, Ara, District- Bhojpur.
6. Hiralal Paswan S/o late Julum Paswan R/o Ram Sagar, P.O. Matukpur, P.S. Badhara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary General and Administrative Department, Government of Bihar, Patna
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The District Selection Committee through the Collector, Bhojpur, Ara.
5. The Deputy Collector, Nazarat, Bhojpur, Ara.
6. The Additional Secretary General Administrative Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioners : Mr. Mithilesh Kumar Upadhyay, Advocate  
For the Respondents : Mr. S.K. Jha, AC to AAG 3

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 10-05-2019**

Heard Mr. Mithilesh Kumar Upadhyay, learned  
advocate for the petitioners and Mr. S.K. Jha, learned AC  
to AAG-3.



2. The petitioners have approached this Court against the order dated 09.03.2017 passed by the District Magistrate, Bhojpur, Ara whereby the claim of the petitioners for being considered for appointment on Class-IV posts has been rejected on their not having requisite qualification of Matriculation.

3. The petitioners had applied against the advertisement dated 21.05.2012 for being appointed on Class-IV post. The advertisement clearly indicated that the aspirant had to have a degree of Matriculation or any equivalent degree.

4. The petitioners, even though did not possess the requisite qualification, were marked and their positions were quite high in the merit list/panel, which was prepared for the purposes of selecting candidates for offering letters of appointment. It transpired only later that the petitioners did not have the requisite qualification. The petitioners relying upon one notification of the General Administration Department of Government of Bihar dated 12.12.2012



and its clarification dated 31.12.2013 that for any appointment on a Class-IV post notified prior to 12.12.2012, the requisite qualification for such candidates would be only 8<sup>th</sup> Pass and not Matriculation, approached this Court.

5. This Court, without passing any order on the merits of the contentions raised on behalf of the petitioners, relegated the case to the District Magistrate to look into the relevant circulars, notification and the clarification and to pass orders in accordance with law. The notification referred to above clearly indicates that for appointment on Class-IV posts under the Rules of 2012 against any advertisement which was issued prior to 12.12.2012, the qualification would be 8<sup>th</sup> pass.

6. However by clarification dated 31.12.2013, the General Administration Department made it clear that the qualification for the first timer applicant would be Matriculation as was set out in advertisement of 2012. For such persons who have obtained age relaxation or whose



cases are covered by orders of this Court and whose names fell in the earlier panel of Class-IV employees, the requisite qualification with respect to them would only be 8<sup>th</sup> pass and not Matriculation. The petitioners admittedly are the first timer applicants and therefore, without the degree of Matriculation or equivalent degree, they could not have been considered for being appointed on Class-IV posts. The confusion in the matter has arisen only because of the notification of the General Administration Department which was later clarified with precision. The claim of the petitioners therefore for being appointed on Class-IV posts against the advertisement of 2012 fails. No fault could be found with the order of the District Magistrate dated 09.03.2017 which has been challenged in the present petition.

7. At this stage, Mr. Upadhyay, learned counsel for the petitioners submits that petitioner no. 2, at the relevant time, had the qualification of Madhyama which is equivalent to Matriculation. It has been submitted that in



that case, he ought not to have been shut out from the process of selection.

8. This Court does not know about the stage of the selection process or whether the posts which were advertised have been completely filled up. In any view of the matter, since petitioner no. 2 was having the requisite qualification, he could not have been non-suited only on the ground of his lacking the necessary qualification.

9. For the aforesaid fact, this Court deems it appropriate to direct petitioner no. 2 only to make a representation before the District Magistrate, Bhojpur, Ara (respondent no. 3) within a period of four weeks from today detailing his grievances, who on verifying the facts and on being satisfied that the degree which the petitioner no. 2 possessed at the time of applying for such Class-IV post was equivalent to the stipulated qualification and after looking at the vacancy position shall pass necessary orders in accordance with law within a further period of eight weeks thereafter.



10. Needless to state that no direction has been issued to the District Magistrate, Bhojpur, Ara to appoint the petitioner no. 2. It would all depend upon the vacancy position and other factors which would be taken into account by him while disposing the representation of petitioner no. 2.

11. With the aforesaid direction/observation, the writ petition is dismissed.

(Ashutosh Kumar, J)

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| CAV DATE          | NA         |
| Uploading Date    | 11.05.2019 |
| Transmission Date |            |

