

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13155 of 2019

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1. Saurabh Kumar, male, aged about 23 years, Son of Binay Kumar Singh, Resident of Village- Ramnagar, P.S. Beldaur, District- Khagaria.
 2. Dharmveer Kumar, male, aged about 26 years, Son of Late Chandradeo Singh, Resident of Village- Pansalwa, P.S. Beldaur, District- Khagaria.
 3. Sannit Kumar, male, aged about 28 years, Son of Sunil Kumar Singh, Resident of Village- Nawada, P.S.- Chautham, District- Khagaria.
 4. Raj, male, aged about 25 years, Son of Yogendra Prasad Singh, Resident of Village- Rajendra Nagar, P.S. Chitragupta Nagar, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Director, Land Record and Dimension (Bhu-Abhilekh and Parimaap), Land Reforms Department.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.
Mr. Sanjeev Nikesh, Adv.
For the Respondent/s : Mr. Raj Kishore Roy (GP18)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 03-07-2019

The petitioners have approached this Court for quashing/setting aside Clause-7 of the Advertisement No. 3 of 2019 dated 01.03.2019, issued under the signature of



the Director, Land Record and Dimension (*Bhu-Abhilekh and Parimapp*), Land Reforms Department, Govt. of Bihar, Patna, whereby marks of all aspirants having degree of various Boards have been treated to be equal and no provision has been made for normalization of such marks of different Boards as is the practice in the process of appointment in various organizations, ostensibly for the purpose of rationalization of the marks obtained by the aspirants.

2. The other ground of challenge is that against the aforesaid advertisement, lesser candidates than thrice the number of the post advertised have been called for counseling, which is in derogation of the Bihar Technical Service Commission Appointment Process Rules of 2018, which has been gazetted on 29th of August, 2018.

3. The respondent No. 2 has issued an advertisement, bearing Advertisement No. 3 of 2019, dated 01.03.2019 for the purposes of appointment of Special Survey Assistant Settlement Officer on contract basis, the contract to be renewed in case of necessity. The minimum



qualification fixed for applying for such post is a degree in Engineering along with experience in the field.

4. It has been submitted on behalf of the petitioners that with the according of similar weightage to candidates having obtained marks under different Boards, the petitioners, who have passed their matriculation with the Bihar Board, are at a disadvantageous position because marking in the other Boards is higher than the marking of the Bihar Board. It has been submitted that considering this aspect of the matter, various organizations have adopted the approach of normalization/rationalization of the marks obtained by the persons/applicants having degrees from different Boards in accordance with the manner of marking of such post.

5. Without there being any requirement of rationalization, the aforesaid grounds urged by the petitioners for setting aside of the aforesaid requirement in the advertisement cannot be acceded to. Apart from this, on the basis of the advertisement, the petitioners had applied for being considered for appointment on such post and after



they were declared unsuccessful, they cannot raise the plea that some of the clauses of the advertisement is not rational and has the potency of excluding candidates having acquired degree from a particular Board.

6. The second argument of the petitioners is that only lesser number of persons were called for counseling than thrice the number of the advertised post, also is not fit to be entertained. The Rules which have been referred to by the petitioners is the Bihar Technical Service Commission Procedure Rules, 2018. The aforesaid Rules of 2018 are applicable to such appointment process which are conducted by the Bihar Technical Service Commission. No examination has been taken by the Commission, referred to above, and the posts have been advertised by respondent No. 2.

7. Thus, there is no merit in the petition. The same is accordingly dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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