

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2310 of 2020

1. Ram Babu Azad Son of Krishna Dev Prasad Resident of Mohalla- Amber Siristar, P.O. and P.S.- Bihar Sharif, District- Nalanda.
2. Shankar Dayal Son of Ram Chandra Prasad Resident of village- Ahilyapur, P.O. and P.S.- Bikram, District- Patna.
3. Kamal Kishor Kant Son of Surendra Prasad Resident of village- Saidabad, P.O.- Saidabad, P.S.- Pali, District- Jehanabad.
4. Awadhesh Kumar Son of Jagat Prasad Resident of village- Gulariya Bigha, P.O.- Sanda, P.S.- Dhanarua, District- Patna.
5. Raushan Kumar Son of Narayan Prasad Resident of village- Kartaha Jagdishpur, P.O.- Kartahan, P.S.- Kartahan, District- Vaishali.
6. Saurabh Kumar Son of Anil Kumar Resident of village- Sowa, P.O.- Kari Sowa, P.S. Wazirganj, District- Gaya.
7. Deepak Kumar Son of Narayan Prasad Resident of village- Kartaha Jagdishpur, P.O.- Kartahan, P.S.- Kartahan, District- Vaishali.
8. Ravindra Kumar Son of Nageshwar Das Resident of village- Daudpur, P.O. and P.S.- Masaurhi, District- Patna.
9. Om Prakash Kumar Son of Parmanand Thakur Resident of village- Bhusaula Danapur Pokhar, P.O.- Mubarakpur, P.S.- Phulwarisharif, District- Patna.
10. Anand Kumar Singh Son of Ram Bahadur Singh Resident of village- Basant Chhapra, P.O.- Maharani, P.S.- Mahmadpur, District- Gopalganj.
11. Anand Prakash Son of Mahesh Prasad Yadav Resident of village- Manpura, P.O. and P.S.- Daudnagar, District- Aurangabad.
12. Sanjay Kumar Son of Krishna Roy Resident of village- Hilalpur, P.O. Hilalpur, P.S. Madarpur, District- Vaishali.
13. Abhishek Kumar Son of Sudama Bhatt Resident of Mohalla, P.O. and P.S.- Rajib Nagar, District- Patna.
14. Manjay Kumar Son of Mishri Ray Resident of village- Daulatpur, P.O. Subhai, P.S. Hajipur Sadar, District- Vaishali.
15. Amarnath Yadav Son of Parmanand Yadav Resident of village- Tulshi Mandi, P.O. and P.S.- Gulzarbagh, District- Patna.
16. Amar Kumar Son of Birendra Prasad Resident of village- Saidpur, P.O.- Ramna, P.S. Kaji Mohammadpur, District- Muzaffarpur.
17. Kunal Son of Ashok Ray Resident of village, P.O. and P.S.- Sahasrawan, District- Siwan.
18. Suman Kumar Son of Siddheshwar Prasad Keshari Resident of village- Kadirganj, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
19. Dharmendra Kumar Son of Birje Choudhary Resident of village- Netaul, P.O.- Khalilabad Netaul, P.S. Kadirganj, District- Patna.
20. Dhananjay Kumar Son of Ganga Chaudhary Resident of village- Gonpura, P.O.- Khalilabad Netaul, P.S. Kadirganj, District- Patna.



21. Jitendra Kumar Son of Yadunandan Ray Resident of village- Sekhpur Derha, P.O. and P.S.- Bithauli, District- Patna.
22. Ram Babu Kumar Son of Bashudev Pandit Resident of village and P.O. and P.S. Mahmaddpur, District- Muzaffarpur.
23. Manish Kumar Son of Vijay Kumar Sah Resident of village and P.O.- Belahi Nilkanth, P.S. Runni Saidpur, District- Sitamarhi.
24. Ram Niwash Kumar Son of Dilip Kumar Resident of village and P.O.- Bhaiswan, P.S. Masaurhi, District- Patna.
25. Rashik Kumar Son of Raghubansh Kishor Prasad Sahi Resident of colony Ring Bandh Laxman Nagar, P.O., P.S. and District- Sitamarhi.
26. Gopal Kumar Son of Laxmi Prasad Resident of village- Maibi, P.O. Kishunpur, P.S. and District- Sitamarhi.
27. Niraj Kumar Son of Umesh Thakur Resident of village and P.O.- Rajkhand, P.S. Aurai, District- Muzaffarpur.
28. Ayush Raj Son of Shailesh Kumar Resident of village- Kurhani, P.O. and P.S.- Kurhani, District- Muzaffarpur.
29. Soni Kumari Son of Vidyanand Prasad Resident of village- Aurangpur, P.O. Khalilabad Netaul, P.S. Kadirganj, District- Patna.
30. Prem Ranjan Kumar Son of Baleshwar Prasad Resident of village- Aurangpur, P.O. Khalilabad Netaul, P.S. Kadirganj, District- Patna.
31. Dwijendra Kumar Son of Biplendra Kumar Resident of village- Kumhar Toli, P.O. and P.S.- Masaurhi, District- Patna.
32. Ritesh Kumar Son of Ram Naresh Choudhary Resident of Village- Taregna Gola Kumhartoli, P.O. and P.S.- Masaurhi, District- Patna.
33. Supriya Kumari Daughter of Mithilesh Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
34. Rajeev Raj Son of Ravindra Chaudhary Resident of Village- Tetaria, P.O.- Maulana Dih, P.S.- Silao, District- Nalanda.
35. Subhash Kumar Son of Vimal Prasad Resident of Village- Pakaura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
36. Kumkuma Rani Daughter of Amrik Chaudhary Resident of Village- Karhara, P.O. and P.S.- Ghoshi, District- Jehanabad.
37. Pinki Kumari Daughter of Lal Babu Prasad Resident of Village- Netaul, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
38. Mira Kumari Son of Shivanandi Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
39. Sujata Kumari Daughter of Nand Lal Choudhary Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
40. Munna Kumar Son of Raj Ballabh Chaudhary Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
41. Saurabh Kumar Son of Judagi Chaudhary Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
42. Raju Kumar Son of Ganga Mistri Resident of Village- Gonpura, P.O.-



Khalilabad Netaul, P.S.- Kadirganj, District- Patna.

43. Sunita Kumari Daughter of Amirak Chaudhary Resident of Village- Mushari, P.O.- Chistipur, P.S.- Chandi, District- Nalanda.
44. Kaushal Kumar Son of Kapil Muni Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
45. Gaurav Kumar Son of Rajnandan Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
46. Soni Kumari Daughter of Rajeshwar Saw Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
47. Sonam Kumari Daughter of Rajeshwar Saw Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
48. Amlesh Kumar Manjhi Son of Vakil Manjhi Resident of Village and P.O. and P.S.- Sahsraw, District- Siwan.
49. Binod Kumar Manjhi Son of Dhupan Manjhi Resident of Village and P.O. and P.S.- Sahsraw, District- Siwan.
50. Binda Lal Bhagat Son of Balchand Bhagat Resident of Village- Badasi, P.O. and P.S. and District- Arwal.
51. Shashi Shekhar Son of Brind Singh Resident of Village- Rauniya, P.O.- Bara, P.S.- Bhagwanganj, District- Patna.
52. Ravi Kumar Son of Ram Naresh Chaudhary Resident of Village- Taregna Gola Kumhartoli, P.O. and P.S.- Masaurhi, District- Patna.
53. Rakesh Kumar Son of Dina Nath Chaudhary Resident of Mohalla- Sabajpura, P.O.- Danapur, P.S.- Khagaul, District- Patna.
54. Sone Lal Singh Son of Kamleshwari Singh Resident of Village- Balah, P.O. and P.S.- Narayanpur, District- Bhagalpur.
55. Vicky Kumar Son of Anandi Ray Resident of Village- East Baluan, P.O.- Kons Diyara, P.S.- Doriganj, District- Saran at Chapra.
56. Anandi Prasad Son of Punpun Ray Resident of Village- East Baluan, P.O.- Kons Diyara, P.S.- Doriganj, District- Saran at Chapra.
57. Ujjwal Kumar Son of Ravindra Kumar Singh Resident of Village- Shakti Nagar Daniyawan, P.O.- Tari, P.S.- Mufassil, District- Saran at Chapra.
58. Anand Mohan Verma Son of Dinesh Tulshi Verma Resident of Village- Mapha, P.O.- Maula Nagar, P.S.- Atri, District- Gaya.
59. Santosh Kumar Suman Son of Lalji Chaudhary Resident of Village- Vrindawan Colony, P.O. and P.S.- Phulwarisharif, District- Patna.
60. Bibha Kumari Daughter of Madan Chaudhary Resident of Village- Vrindavan Colony, P.O. and P.S.- Phulwarisharif, District- Patna.
61. Sweety Kumari Daughter of Bijendra Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
62. Ankush Kumar Singh Son of Pawan Kumar Singh Resident of Village- Milki, P.O. and P.S.- Gangta, District- Munger.
63. Pyarelal Manjhi Son of Rameshwar Manjhi Resident of Village- Koyla, P.O. and P.S.- Dariyapur, District- Saran at Chapra.



64. Dinesh Kumar Son of Baleshwar Prasad Resident of Village- Aurangpur, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
65. Tarun Kumar Son of Chandrika Prasad Resident of Village- Shiv Mandir, P.O.- Clevgaon, P.S.- Chiraili, District- Gaya.
66. Pawan Kumar Son of Pramod Prasad Resident of Village- Chakahan, P.O.- Shamkauria, P.S.- Isuapur, District- Saran at Chapra.
67. Vikrant Kumar Shrivastava Son of Sushil Kumar Shrivastava Resident of Village and P.O.- Belahari, P.S.- Tareya, District- Saran at Chapra.
68. Sanjida Khatoon Daughter of Md. Ismail Ansari Resident of Village- Daulatpur, P.O.- Rajpur, P.S.- Raghunathpur, District- Siwan.
69. Anil Kumar Son of Ramchandra Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
70. Vimlesh Kumar Bhagat Son of Kashi Bhagat Resident of Village- Lagusa, P.O.- Rajpur, P.S.- Raghunathpur, District- Siwan.
71. Ravi Kumar Son of Lal Bahadur Singh Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
72. Mritunjay Kumar Singh Son of Umakant Prasad Singh Resident of Village- Gandhi Nagar, P.O.- Pasraha, P.S.- Pasraha, District- Khagaria.
73. Shashi Kant Kumar Son of Krishna Chaudhary Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
74. Sandeep Kumar Son of Bijendra Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
75. Shashikant Kumar Son of Shiv Bahadur Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
76. Chandan Kumar Son of Rajeshwar Sharma Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
77. Deepak Kumar Son of Ambika Chaudhary Resident of Village- Mushari, P.O.- Chistipur, P.S.- Chandi, District- Nalanda.
78. Rajesh Kumar Son of Brijnandan Prasad Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
79. Abhishek Kumar Son of Manoj Yadav Resident of Village and P.O.- Rewan, P.S.- Masaurhi, District- Patna.
80. Priti Kumari Son of Kapildev Prasad Resident of Village- Hasanpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
81. Khusbu Kumari Son of Vijendra Kumar Resident of Village- Mahuli, P.O.- Suitha, P.S.- Parsa Bazar, District- Patna.
82. Alka Kumari Son of Ganesh Chaudhary Resident of Village- Gonpura, P.O.- Khalilabad Netaul, P.S.- Kadirganj, District- Patna.
83. Bhola Kumar Yadav Son of Khedan Yadav Resident of Village and P.O.- Ratanpura, P.S.- Maharajganj, District- Siwan.
84. Ravi Kumar Son of Ram Krishna Paramdatt Resident of Village- Chhota Hasanpur, P.O. and P.S.- Khusrupur, District- Patna.
85. Mantu Kumar Son of Subhash Ray Resident of Village- Chhota Hasanpur,



P.O. and P.S.- Khusrupur, District- Patna.

86. Balwant Kumar Son of Devanand Singh Resident of Village- Dumariya, P.O. and P.S.- Maner, District- Patna.
87. Mukesh Nandan Son of Pankaj Kumar Resident of Mohalla- Rajbanshi Nagar, P.S.- Shastri Nagar, District- Patna.
88. Shivam Samrat Son of Anil Kumar Resident of Village- Khaira Jamui, P.O.- Pradhanchak, P.S.- Khaira, District- Jamui.
89. Rupesh Kumar Mahato Son of Bhola Mahato Resident of Village and P.O.- Ramgarh, P.S.- Ramgarh Chowk, District- Lakhisarai.
90. Praveen Kumar Son of Prakash Thakur Resident of Village and P.O.- Itmadi, P.S.- Beldour, District- Khagaria.
91. Anil Kumar Son of Anandi Sharma Resident of Village and P.O.- Sahraun, P.S. and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-12-2021

Learned counsel for the State intends to furnish reply to the rejoinder. This Court when asked him as to whether any new point has been raised in the rejoinder. He said no new point has been raised in the rejoinder. In such an event, questioning of filing reply to the rejoinder is not warranted, therefore, insisting for acceptance of reply to the rejoinder is rejected.

In the instant petition, petitioner has prayed for following relief/reliefs:



“A. For quashing the Vivran Pustika issued by the Revenue and Land Reforms Department, Govt. of Bihar, Patna as contained in Annexure-7 for appointment of 1767 post for Amin in the scale of Rs. 5200/-, 20200 and Grade Pay 2000/- and revised scale and asking online application on 22.12.2019 indicating last date for filling up online application on 22.01.2020 to the Post of Amin.

B. To declare and hold procedure adopted by Revenue and Land Reforms Department, Govt. of Bihar, Patna for appointment of Amin by Annexure 7 is contrary to the ‘Bihar Amin Cadre Rule 2013 which was notified in Gazettee on 14.02.2019 as contained in Annexure 3 and aim and object for teaching of Amin in the Government Polytechnic Institutes and ITI situated in the State of Bihar.

C. Also for directing the respondents to fill up the vacancy of Amin as indicated in the Vivran Pustika as contained in Annexure 7 which was uploaded on the website of the Bihar Land Reforms Department, Govt. of Bihar, Patna on 22.12.2019 only from the candidates who has got degree of Amanat either Polytechnic Institute and ITI in the State of Bihar which was affiliated by the State of Bihar in order to ensure well known and well equipped Amin be appointed to achieve aim and object for appointment of Amin.

D, To hold and declare selection process adopted by the Revenue and Land Reforms Department, Govt. of Bihar, Patna for appointment without prescribing qualification of Amanat in Vivran Pustika as contained in Annexure 7 is violative of Article 14, 16 and 21 of the Constitution of India.

E. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

The matter is relating to the selection and appointment to the post of Amin in the respondent State. Petitioners have questioned the validity of advertisement insofar as prescription of qualification for appointment as it is not in terms of Rule 6 of the Bihar Amin Cadre Rules, 2013 (for short ‘Rules 2013’). Advertisement was issued on 22.01.2020 vide Annexure 7. The qualification prescribed for the post of Amin reads as under:



"अमीन पद पर नियुक्ति के लिए अभ्यर्थी को किसी मान्यता प्राप्त बोर्ड / समकक्ष संस्थान से इंटरमीडिएट (10 + 2) या समकक्ष परीक्षा उत्तीर्ण होना चाहिए।"

Whereas Rules 2013 for appointment to the post of Amin is Rule which is read as under:

"Appointment- (1) The direct appointment to the post of Amin shall be made on the basis of recommendation obtained from Bihar Staff Selection Commission through competitive examination conducted for the post of Amin.

(2) Separate requisition of the District sub-cadre, Directorate of Consolidation sub-cadre and Directorate of Land Records and Survey sub-cadre will be sent to the commission and receive the recommendation from commission separately too.

(3) It would be essential for the candidate to have certificate of Intermediate (10+2) or equivalent qualification from a recognized Board or equivalent institution and Degree of Amanat from a Government recognized institute or success in the training of surveyor from I.T.I."

Perusal of the aforesaid qualification prescribed in the advertisement and it is not in terms of Rules 2013 thus, the petitioners have made out a case so as to interfere with the advertisement dated 22.01.2020.

Per contra, learned counsel for the State resisted the contention of the petitioners and submitted that Rule 2013 has been elaborately discussed in CWJC No. 10412 of 2021 and further, there is an interim order. He has pointed out Rule 2013 has been interpreted by this Court in L.P.A. No. 1657 of 2015 in CWJC No. 4964 of 2015 and connected matters decided on 10.12.2015.



Perusal of the aforesaid decisions, it is evident that there is no challenge to the Rules 2013. In fact L.P.A. Bench deprecated the procedure of appointment to the post of Amin on contract basis and further made an observation that appointment of Amin is required to be with reference to Article 14 and 16 of the Constitution. In the light of these facts and circumstances, petitioner has made out a case so as to interfere with the advertisement dated 22.01.2020 for the post of Amin as it is not in terms of Rule 13 cited supra.

Accordingly, advertisement dated 22.01.2020 is set aside reserving liberty to the respondent to re-notify the post of Amin in terms of Rules 2013 within a period of three months from the date of receipt of this order.

With the above observations, writ petition stands allowed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2021
Transmission Date	NA

