

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2926 of 2020

=====

Komal Kumari, Daughter of Ravindra Prasad @ Rabindra Prasad, Resident of
Mohalla-Habibpura (Gandhikuan), P.O. and P.S.-Sohsrai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Panchayati Raj Officer, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Advocate
For the Respondent/s : Mr.Kumar Alok (SC 7)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 28-10-2021 Heard the learned counsel for the petitioner and Sri
Kumar Alok, the learned SC 7 appearing for the State.

The present writ petition has been filed seeking the
following reliefs :-

*“(i) For issuance of writ in the nature of
certiorari for quashing of that part of the
decision contained in page no. 11 and 19
of the proceeding of the meeting of the
District Level Selection Committee, Patna
under the Chairmanship of the District
Magistrate, Patna dated 28.12.2019 for
the post of Technical Assistant with
regard to the petitioner whereby the
candidature of the petitioner has been
cancelled on the ground that she is not
holding the required minimum*



qualification of Diploma in Civil Engineering.

(ii) For holding that the qualification of the petitioner is Diploma in Civil Engineering (Public Health & Environmental Engineering), which is in fact a Diploma in Civil Engineering with additional specialization in the field of public health and environmental engineering and the Board of Technical Education, Delhi has certified that this qualification is equivalent to the qualification of Diploma in Civil Engineering and similarly situated candidate has been selected in the district of Madhubani, as such, the decision of the respondent authorities to cancel the candidature of the petitioner is arbitrary and illegal.

(iii) For necessary direction upon the respondent authorities to appoint the petitioner on the post of Technical Assistant on the basis of her qualification of diploma in Civil Engineering (Public Health & Environmental Engineering) in the district of Patna.

(iv) For necessary direction upon the respondent authorities to keep at least one post of Technical Assistant vacant for the petitioner in the district of Patna. ”



This Court by an order dated 10.03.2021, had requested the learned counsel appearing for the respondent State to explore the possibility of constitution of an expert committee comprising of special experts, so that the controversy in question i.e. as to whether the degree of diploma in Civil Engineering is equivalent to Diploma in Civil Engineering (Public Health & Environmental Engineering), could be set at rest.

The learned counsel for the respondent State was gracious enough to convey the concern of this Court to the respondent State authorities, whereafter a Committee comprising of the following experts was constituted :- (i) Lecturer (Civil)- cum- In charge Principal, Government Polytechnic, Saharsa (ii) Associate Professor (Civil) M.I.T. Muzaffarpur (iii) Associate Professor (Civil) M.I.T. Muzaffarpur (iv) Professor (Civil)- cum- Deen (Academic), N.I.T. Patna (v) Associate Professor (Civil), I.I.T. Patna and (vi) Secretary, State Board of Technical Education, Patna.

The aforesaid High Level Committee has submitted its report/ opinion dated 27.07.2021, wherein it has come to the conclusion that Diploma in Civil Engineering (Public Health & Environmental Engineering) and Diploma in Civil Engineering are equivalent to each other.

Having regard to the aforesaid facts and



circumstances of the case, this Court deems it fit and proper to relegate the matter to the District Selection Committee headed by the District Magistrate, Patna to consider the case of the petitioner for appointment on the post of Technical Assistant in light of the aforesaid report of the Committee dated 27.07.2021. It is needless to state that appropriate decision shall be taken within a period of six weeks from the date of receipt/ production of a copy of this order.

At this juncture, the learned counsel for the respondent State has submitted that the present case be not treated as a precedent and this judgment be treated as a judgment *in personam*.

Accordingly, it is directed that the present case shall not be treated to be a precedent in future.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

