

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7267 of 2020

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Shashi Shankar Jyoti aged about 30 years Son of Ram Narayan Jyoti,
Resident of Village-Kalwan, Police Station-Harnaut, District-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. Secretary, Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. Director, Directorate of Land Records and Survey, Survey Training Center, Shastri Nagar, Patna.
4. Director-cum-Chairman, Selection Committee, Directorate of Land Records and Survey, Survey Training Centre, Shastri Nagar, Patna.
5. Assistant Director-cum-Secretary Selection Committee, Directorate of Land Records and Survey, Survey Training Centre, Shastri Nagar, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 7652 of 2020

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Abhishek Kumar aged about 26 years son of Sunil Thakur resident of Village
Kunwa, Post- Chakia, Police Station- Chakia, District East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Deptt of Revenue and Land Reforms, Govt. of Bihar.
2. Secretary, Deptt of Revenue and Land Reforms, Govt. of Bihar.
3. Directorate of Land Records And Survey, Survey Training Centre, Shastri Nagar, Patna.
4. Director cum- Chairman Selection Committee, Directorate of Land Records And Survey, Survey Training Centre, Shastri Nagar, Patna.
5. Secretary, Selection Committee Survey Training Centre, Shastri Nagar, Patna.

... .. Respondents

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Appearance :

(In Civil Writ Jurisdiction Case No. 7267 of 2020)

For the Petitioner : Mr. Vikram Singh, Advocate

For the Respondents : Mr. Khurshid Alam, AAG 10
Mr. Majjid Alam, AC to AAG 10

(In Civil Writ Jurisdiction Case No. 7652 of 2020)

For the Petitioner : Mr. Vikram Singh, Advocate

For the Respondents : Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 21-01-2021 Since both the writ applications involve the same issue, they have been heard together and with consent of the parties, they are being disposed of by this common order.

The present writ applications involve the issue of appointment on the post of Special Survey Amin.

On 11.09.2020, noticing the argument advanced by the parties, the Court observed that any appointment to the post of Special Survey Amin shall abide by the final outcome of the present writ application. The observation was made by this Court in the backdrop of submission of the petitioners that they have scored higher marks than the cut off marks and the candidates who scored lower marks were preferred in the process of preparation of panel.

Mr. Khurshid Alam, learned Additional Advocate General No. 10 assisted by Mr. Majid Alam and Mr. Sajid Salim Khan for the State, would submit that the respondents are duty bound to consider the merit of candidates for preparation of panel for appointment but if the candidates suffer from any other disqualification, they may not be included in panel as they are ineligible for appointment, in that situation the candidates having obtained higher marks than the cut-off marks cannot



claim empanelment and appointment.

Considering the rival submissions of the parties, both the writ applications are disposed of with a direction to the respondents to strictly follow the merit list and if there is any mistake, they will rectify and modify the panel as per the merit. In the event, there is any disqualification or compelling reason for exclusion of any candidate from the panel notwithstanding the merit position, respondents are required to give reasons. The entire exercise of correction of panel if any shall be completed by the respondents within a maximum period of (45) forty five days from the date of receipt/production of a copy of this order. Within the same time respondents shall pass reasoned order for rejecting candidature despite merit position.

(Anil Kumar Upadhyay, J)

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