

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7828 of 2020

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Arbind Kumar Dubey Son of Birendra Dubey, Resident of Village- Reriya,
Bikramganj, Vikramganj, P.S.- Bikramganj, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. Bihar Staff Selection Commission, Patna through its Secretary, Patna-800014.
4. The Chairman, Bihar Staff Selection Commission, Patna - 800014.
5. The Secretary, Staff Selection Commission, Patna- 800014.
6. Magadh University, Bodh Gaya through its Registrar Magadh University, Bodh Gaya.
7. Vice Chancellor, Magadh University, Bodh Gaya.
8. College of Commerce, Arts and Science, earlier known as College of Commerce, Patna through its Principal College of Commerce, Arts and Science, Patna.
9. Director-in- Chief, Health Services, Health Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate
For the Respondent/s : Mr. Anjani Kumar Mishra, Advocate

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

Date : 22-11-2021

Heard learned counsel for the parties.

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



“(I) To issue an appropriate writ/order/direction to the Respondents to act on the representation of the Petitioners and direct the respondents to call the Petitioner for interview, who is eligible for consideration to the appointment tot he post of lab technician in terms of the advertisement no. 0510115 but the respondent-Staff Selection Commission in most arbitrary manner has ousted the Petitioner from zone of consideration and his roll number is excluded from the list published by the Staff Selection Commission for interview, even after being eligible in terms of the advertisement.

(II) To any other relief or reliefs may be allowed which will be just, proper and equitable on the opinion of this Hon’ble Court.”

Pursuant to the advertisement to the post of Lab Technician, the petitioner has submitted an application as candidate. His candidature has not been considered on the score that State had provided a list of University in which Magadh University is not one of the identified University by the State Government.

Bihar Lab Technician Cadre Rules, 2014, Rules 5 and 6 reads as under:-

“5. Recruitment.-*The appointment in this cadre shall be direct recruitment to the basic grade (Lab Technician) posts, on the basis of recommendation of the Commission.*

6. Qualification.-*(1) For appointment by direct recruitment to the*



basic grade posts, minimum qualification shall be I.Sc./10+2(Biology) pass. In addition to this, it shall be necessary to have passed the Diploma course of Lab Technician from a government recognized institution.

(2) For direct recruitment in the Lab Technician Cadre, minimum age limit shall be 21 years and maximum age limit shall be the same as may be determined reservation categorywise, from time to time, by the government. 1st August of the concerned year shall be deemed to be the cut off date for determination of age.”

Undisputed facts are that petitioner is a holder of diploma course Lab Technician from a Government recognized institution namely Magadh University, College of Commerce, Patna. The Rules 14 (supra) do not distinguish from University to University what is required is one must have passed the Diploma course of Lab Technician from Government recognized institution. In fact, under sub-rule (1) and (2) are related to Government means Bihar State Government. Magadh University is also one of the Government recognized University by the State of Bihar.

In the light of these facts and circumstances of the case, the concerned respondent is hereby directed to reconsider the eligibility criteria or the petitioner candidature to the post of Lab Technician and appointment to the post of Lab Technician within a period of eight weeks from the date of receipt of this order.



With the aforesaid observations, the present petition
stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

