

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10168 of 2020

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1. Ravikant Kumar Son of Arvind Yadav Resident of village- Vishwambhar Bigha, P.s.- Aurangabad, District- Aurangabad
 2. Md. Nazir Son of Md. Kasir, Resident of village- Jhikatiya, P.s. and District- Aurangabad
 3. Ram Janam Singh @ Ram Janam Yadav Son of Ram Briksh Singh resident of village- Karma, P.s. and District- Aurangabad
 4. Ram Bilash Kumar Son of Sudeshwar Verma Resident of village- Birhara Purhara, p.s. and District- Aurangabad
 5. Fuleshwari Devi wife of Naresh ram resident of village- Bandhua, P.s.- Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Assistant Chief Secretary, General Administration Department, Government of Bihar, Patna
3. The Principal Secretary Forest and Environment Department, Government of Bihar, Patna
4. The Commissioner, Magadh Division, Gaya Range, Gaya
5. The District Magistrate, Aurangabad
6. The District Forest Officer, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 23-11-2021

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

(i) "For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities especially respondent no. 6, The District Forest Officer to accept the joining of the petitioners on Class IV post pursuant to letter/Memo no. 1010 dated 18.12.2019 issued under the signature of



respondent no. 5. The District Magistrate whereby name of petitioners have been recommended for appointment on Class IV post.

(ii) For issuance of any other relief/reliefs for which petitioners are found entitled in the eye of law and in the facts and circumstances of the present case.”

Petitioners have applied for the Class IV post, pursuant to the advertisement no. 1/2009 and process of selection has taken more than one decade. It has attained finality in publication of final select list in which petitioners' names are in the selected list and they were allotted to the Forest Department. The Forest Department is not accepting the joining report, pursuant to the order of appointment dated 18.12.2019 issued by the District Magistrate, Aurangabad.

Learned counsel for the petitioners submitted that in respect of similarly situated person, in the different departments like Health Department and Education Department, the concerned officer has accepted the joining of such candidates, who were selected with petitioners for Class IV post.

On the other hand, in the Forest Department, the concerned official refused to accept the joining of petitioners on Class IV post, pursuant to the letter/memo no. 1010 dated 18.12.2019.



Per contra, learned counsel for the respondent has submitted that petitioners' selection and appointment was made with reference to advertisement issued in the year 2009. But there is an amendment in respect of appointment to the post of Class IV, for which the petitioners were not eligible. Therefore, the Forest Department has not accepted petitioners' joining on Class IV post.

Heard learned counsel for the respective parties.

In the present petition, whether the amended Rules of recruitment to the post of Class IV, issued in the year 2012, is applicable to the advertisement issued in the year of 2009 or not? Large number of candidates were selected and appointed. The selected candidates were appointed and allocated in different departments like Health, Education and Forest. The Health Department and Education Department have accepted the joining of the candidates in their respective departments.

In the present case, petitioners were allotted to join in the Forest Department and the Forest Department had objected that the petitioners are not fulfilling the eligibility criteria i.e. educational qualifications for the Class IV post, pursuant to the amendment to the Class IV post, the petitioners do not fulfill the qualification in terms of amended Rules. Such a contention cannot be appreciated in the light of order passed by the Apex Court in the



case of ***N.T. Devin Katti Vs. State of Karnataka Public Service Commission reported in (1990) 3 Supreme Court Cases 157.***

In the light of aforesaid facts and circumstances, the petition stands disposed of and the concerned respondent i.e. 6th respondent is, hereby, directed to accept the petitioners' joining report to the post of Class IV, pursuant to the letter/memo no. 1010 dated 18.12.2019 issued by 5th respondent-D.M., Aurangabad. If the concerned respondent fails to accept the petitioners' joining report, as and when petitioners' report before him, he shall be liable to pay a cost of Rs.3,000/- to each of the petitioner and such cost shall be paid from his pocket not from the Department/Government.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

