

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2674 of 2022

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1. Pankaj Kishore S/o Nawal Kishore Singh Resident of Near Middle School, P.O.-Paighambarpur, P.S.-Sakra, District-Muzaffarpur, Bihar-843119.
 2. Sanjay Kumar Mahto S/o Raj Kumar Mahto, Resident of Kali Esthan, P.O.-Lalabagh, P.S.-Laheriasarai, District-Darbhanga, Bihar-846004
 3. Ram Babu Mahto S/o Sushil Kumar Mahto, Resident of Hanuman Nagar Navatoliya, P.O.-Benipur, P.S.-Bahera, District-Darbhanga, Bihar-847103.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Fisheries Department, Government of Bihar.
2. The Principal Secreary, General Administration Department, Bihar, Patna.
3. The Secretary, Bihar Stte Technical Service Commission, 19, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prince Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Asif Kalim, AC to AAG-12
For Technical Commission:	:	Mr. Nikesh Kumar, Advocate

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

Date : 17-05-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:-

“(a) For issuance of writ in the nature of mandamus directing and commanding upon the respondent authorities to grant weightage to the petitioners for ‘Work Experience’ in terms of clause 3(ii) of the Advertisement No. 03/2021 dated 06.04.21 issued by Bihar Technical Service Commission (for brevity referred as “Commission”) as they have been working/Teaching in the schools of



Government of Bihar for more than 10 years.

(b) For holding and declaring that the petitioners are entitled for grant of weightage in terms of clause 3(ii) of the Advertisement No. 03/2021 as they have been working under the State of Bihar as teacher and are fully eligible for grant of weightage in terms of Advertisement No. 03/2021.

(c) For holding and declaring that the action of respondent authorities in withdrawing/reducing the 25 marks awarded for experience is in complete derogation of the clause 3(ii) of the Advertisement No. 03/2021 which inter alia contemplates that persons who are working under the services of state of Bihar would be entitled for grant of weightage of upto 25 marks wherein 5 marks for each year of experience would be granted.

(d) For any other relief/reliefs which this Hon'ble Court deems fit.”

3. Petitioners are candidate for recruitment to the post of Fisheries Development Officer.

4. Short question for consideration in the present petition is whether petitioners are entitled to weightage marks of 25 with reference to work experience or not? The petitioners were awarded 25 marks initially and thereafter it was revised for which petitioners have submitted their objections on 29.01.2022 before process of selection is completed. The respondent-Commission has not taken any decision as to why the petitioners' objections have



not been considered. Therefore, the Commission is hereby directed to consider the petitioners’ objections dated 29.01.2022 in respect of awarding of weightage marks of 25 towards work experience for the post of Fisheries Development Officer. In this regard, the Commission is hereby directed to pass speaking order and communicate the same to each of the petitioner while assigning reasons as to why petitioners are not entitled to weightage marks of 25, pursuant to the advertisement. Each of the contention/objection raised by the petitioners in their objections dated 29.01.2022 shall be dealt by the Commission while passing speaking order.

5. If the process of selection to the post of Fishery Development Officer is completed before the Commission passing speaking order, such selection and appointment is subject to result of the petitioners’ grievance.

6. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	23.05.2022
Transmission Date	

