

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2789 of 2022

1. Pankesh Kumar Son of Lakshman Mandal Resident of Village - Nocha, P.S. - Bela, District- Sitamarhi.
2. Pranaw Sinha Son of Binay Kumar Sinha Resident of Village - Narkatiaganj, P.S. - Shikharpur, District- West Champaran.
3. Rana Pratap Singh Son of Binod Singh Resident of Village - Karah, P.S. - Baniyapur, District- Saran.
4. Akshansh Son of Ajay Kumar Upadhyay Resident of Patna, P.S. - Kadamkuan, District- Patna.
5. Akash Anand Son of Sanjay Kumar Resident of Village - Bairia, P.S. - Mehdi, District- Purnea.
6. Aditya Kumar Son of Late Triloki Nath Nishad Resident of New Taridih, P.S. - Bodh Gaya, District- Gaya.
7. Anant Kishore Son of Arvind Kumar Lal Resident of Village - Munna Chak, P.s. - Sampatchak, District- Patna.
8. Ashish Ranjan Son of Mahesh Singh Resident of Village - Kamalpursinghiya, P.S. - Bidupur, District- Vaishali.
9. Rahul Roshan Son of Ashok Kumar Resident of New Karbigahiya, P.S. - Jakkanpur, District- Patna.
10. Divya Rani D/o Late Pramod Kumar Das Resident of Patna, P.S. Gardanibagh, District- Patna.
11. Priyanka Kumari D/o Suresh Singh Resident of Village - Srinagar, P.S. - Mairwa, District- Siwan.
12. Prem Kumar Son of Jyotish Singh Resident of Village - Pipra, P.S. - G.B. Road (Tarwara), District- Siwan.
13. Govinda Kumar Son of Paras Nath Paswan Resident of Patna, P.S. - Rajiv Nagar, District- Patna.
14. Amita D/o Bhubneshwari Prasad Yadav Resident of Village - Tok Sihpur, P.S. - Gamharia, District- Madhepura.
15. Sant Bhagirath Son of Mahesh lal Ghosh Resident of Village - Gayghatta, P.S. - Gayghatta, District- Katihar.
16. Satya Kumar Son of Mahendra Prasad Resident of Village - Phulparas, P.S. - Phulparas, District- Madhubani.
17. Dezi Kumari D/o Subhash Prasad Yadav Resident of Village - Khurasan, P.S. Rasalpur, District- Saharsa.
18. Kamalesh Kumar Son of Ram Babu Mahto Resident of Village - Lagma, P.S. - Dumra, District- Sitamarhi.
19. Sudhanshu Kumar Son of Sitasharan Prasad Resident of Village - Mosimpur, P.S. Sheikhopur Sarai, District- Sheikhpura.
20. Sonali Singh D/o Yashwant Kumar Singh Resident of Village - Sirsa Biran, P.S. - Lalganj, District- Vaishali.
21. Namrata D/o Shri Narendra Kumar Resident of A.G. Colony, P.S. - Shastri Nagar, District- Patna.



22. Ankita Kumari D/o Sikandar Pratap Singh Resident of Village - Kaliprasad, P.S. - Pirpanti, District- Bhagalpur.
23. Satya Prakash Yadav Son of Asharfi Chaudhary Resident of Village - Jamsar, P.S. - Uchkagaon, District- Gopalganj.
24. Pratibha Kumari D/o Shiv Ji Ram Resident of Village - Khajaul Wazidpur, P.S. - Goraul, District- Vaishali.
25. Raksha D/o Chandan Kumar Jha Resident of Village - Novtol, P.S. - Udakishunganj, District- Madhepura.
26. Priyanka Kumari D/o Lalit Prasad Singh Resident of Village - Fazalganj, P.S. - Sasaram, District- Sasaram, Rohtas.
27. Shivani D/o Alok Kumar Singh Resident of Village - Andaur, P.S. Mohiuddin Nagar, District- Samastipur.
28. Gyan Prakash Son of Ram Pravesh Prasad Resident of Village - Mir Bigha, P.S. Warsaliganj, District- Nawada.
29. Raushan Kumar Sharma Son of Rajendra Kumar Sharma Resident of Village - Saidhani Chak, P.S. - Parsa, District- Patna.
30. Jitendra Kumar Son of Late Ram Swaroop Singh Resident of Village - Paharpur, P.S. - Akbarpur, District- Nawada.
31. Bipin Kumar Son of Bibhishan Prasad Yadav Resident of Village - Kewatgama, P.S. Kumarkhand, District- Madhepura.
32. Sandeep Kumar Singh Son of Jung Bahadur Singh Resident of Village - Lamichour, P.S. - Bhore, District- Gopalganj.
33. Rupam Kumari Paswan D/o Rajdeo Paswan Resident of Village - Bhahma, P.S. - Pupri, District- Sitamarhi.
34. Jitendra Kumar Son of Ramdas Ram Resident of Village - Rasalpur Tole, P.S. - Dumra, District- Sitamarhi.
35. Shyamla Son of Chandra Mohan Prasad Resident of Samastipur Sadar, P.S. - Muffasil, District- Samastipur.
36. Manju Kumari D/o Khageshwar Prasad Yadav Resident of Supaul, P.S. - Supaul, District- Supaul.
37. Munna Kumar Son of Uma Shankar Singh Resident of Village - Tendua, P.S. - Kargahar, District- Rohtas.
38. Ajeet Kumar Son of Shivji Mahto Resident of Village - Pusaho, P.S. - Bithan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, Patna.
4. The Secretary, Bihar Technical Service Commission, Patna.
5. The Vice Chancellor, Bihar Animal Sciences University, Patna.



6. The Registrar, Bihar Animal Sciences University, Patna - 14.
7. The Dean, Bihar Veterinary College, Sheikhpura, Patna - 14.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Sri. P.K. Shahi, Sr. Advocate
	:	Mr. S.S. Sundaram, Advocate
For the B.T.S.C.	:	Mr. Nikesh Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan (SC-25)
	:	Mr. Wasi Ahmad Khan (AC to SC-25)
For the Intervenor		
Respondents	:	Mr. Niranjana Kumar, Advocate
	:	Mr. Kumar Kishan
For the University	:	Mr. Ashok Kumar Mishra, Advocate

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

Date : 08-03-2022

Heard learned counsel for the parties.

State counsel accepts notice for respondent nos. 1,
2 and 7.

Mr. Nikesh Kumar appeared for respondent nos. 3
and 4.

Mr. Ashok Kumar Mishra accepts notice for
respondent nos. 5 and 6.

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

*“Through the instant writ
application, the petitioners pray for
issuance of an appropriate writ/writs,
order/orders, direction/directions for
granting following relief/reliefs:*



i. For a direction upon the concerned respondents to extend an opportunity to the petitioners for participation in the selection process commenced through the Advt. No. 02/2022 dated 21.01.2022 which was issued for selection and appointment to the post of Touring Veterinary Officer against 624 vacancies.

ii. For a direction upon the concerned respondents to extend the cut-off date i.e., 23.02.2022 for receiving application of the said advt. in order to allow the petitioners to submit their application who has been declared successful in the theory and practical examination of Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) and presently in the midst of their internship which was scheduled to be completed on 31.03.2022.



iii. For grant of any other relief/reliefs to which the petitioners are found entitled to.”

Undisputedly, petitioners were not eligible to be participated to the advertised post of Touring Veterinary Officer against 624 vacancies as they have not fulfilled eligibility criteria as on 23.02.2022. The petitioners were pursuing Bachelor of Veterinary Science and Animal Husbandry (for short ‘B.V.Sc. & A.H.’), such course should have been completed before 31st of December, 2020 in the light of the communication of the Government of India dated 24th November, 2020 (Annexure-10). Such decision is with reference to advisory dated 17.06.2020 of the Government of India. However, University could not adhered to the Government of India directives in completing the examination before 31st December, 2020. The reason being that the Covid-19 pandemic was in vogue as is evident from the affidavit filed on behalf of the University. In this backdrop, whether the petitioners are entitled to relaxation of last date of submission of application from 23.02.2022 to 1st week of April, 2022 or not, for the reasons that petitioners have completed internship on 31.03.2022. Petitioner were denied opportunity of completing



internship timely due to postponement of examination. Any relaxation of last date of submission of application to any civil post, it is a matter of policy of the State Government. Policy matters cannot be taken note of by the Writ Courts and to issue any direction to the State Government or authority to take policy decision in particular manner. In other words, in the present case, question of extending cut off date from 23.02.2022 to any other date. In this regard, the petitioners were stated to have approached the State Government vide representation (Annexure-5), the State Government has not taken any action either accepting or rejecting the petitioners' grievance. In the light of these facts and circumstances, the State Government is hereby directed to examine the petitioners'/proposed respondents' representation read with affidavit of the University and proceed to either accept the petitioners' grievance or reject the petitioners' grievance within a period of one month from the date of receipt of this order.

Mr. Niranjana Kumar, learned counsel for the intervenor respondents, submitted that he has filed Interlocutory Application to come on record and oppose the petitioners' grievance.

In the light of the aforesaid direction, the



petitioners' right is not affected for the reasons that government has to take policy decision either to extend or not to extend the cut off date from 23.02.2022 to any other date or not pursuant to the Advertisement No.2/2022 dated 21.01.2022 for selection and appointment to the post of Touring Veterinary Officer against 624 vacancies. Therefore, the aforesaid I.A. do not survive for consideration.

Accordingly, I.A. stands disposed of.

At this stage, learned counsel for the petitioners submitted that the cut off date fixed pursuant to the Advertisement No.2/2022 as 23rd February, 2022 has been already modified and the cut off date has been changed to 05.03.2022. This may also be taken note of by the State Government while considering the petitioners' grievance.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2022
Transmission Date	NA

