

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4635 of 2022

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1. Sudhir Kumar Sagar Son of Jaykant Jha Resident of Village and P.O.- Khawaspur, Ward No.- 01, P.S.- Simraha, District- Araria.
 2. Sanjeev Kumar Son of Arjun Prasad Singh Resident of Professor Colony, Ward No.- 25, P.S.- Forbesganj, District- Araria.
 3. Lalit Kumar Jha Son of Rajeshwar Jha Resident of Village- Kansara, P.O.- Bakhri, P.S.- Sursand, District- Sitamadhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar.
2. The Director, Higher Education Department, Patna, Bihar.
3. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Joint Secretary cum Controller Examination, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Adv.
For the BPSC	:	Mr. Kameshwar Kumar, Adv.
For the State	:	Mr. S.K. Ranjan, (Gp 17)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 12-04-2022 Heard the parties.

The petitioners by way of this writ petition prays for issuing a writ to the respondents authorities to modify the advertisement issued by the Bihar Public Service Commission and to include the experience gained by the petitioners as Assistant Professors in B.Ed colleges as a requisite experience for the purpose of appointment on the post of Headmaster.

As per the advertisement, the candidate apart from



having educational qualification is required to possess ten years of continuous service on the post of Secondary Teacher in State Government Schools :-

(i) Minimum 10 years of continuous service on the post of Secondary Teacher in State Government School under Panchayati Raj Institution or Municipal Body Institution.

(ii) Minimum 12 years of continuous service on the post of Secondary Teacher in School having permanent affiliation from C.B.S.E./I.C.S.E./B.S.E.B.

(iii) Minimum 08 Years of continuous service on the post of Senior Secondary Teacher in State Government School under Panchayati Raj Institution or Municipal Body Institution.

(iv) Minimum 10 Years of continuous service on the post of Senior Secondary Teacher in School having permanent training affiliation from C.B.S.E./I.C.S.E./B.S.E.B.

The calculation of experience shall be made on the basis of date of joining or from the date of acquiring training qualification, whichever is later.

The petitioners admittedly does not possess the said experience, but submits that as they are working as Assistant Professors in B.Ed colleges and possesses the other educational qualifications as required under the advertisement. Their



experience gained in B.Ed colleges should be counted as also sufficient experience for the purpose of consideration for appointment on the post of Headmaster.

I have considered the submission, each post of State services or Subordinate services has educational qualifications and experience attached with. The rules for appointment are framed under proviso to Article 309 or under Article 309 of the Constitution or they may be laid down by the department in relation to services which may not come under the said rules. However, the experience and educational qualifications is laying down of experience and qualifications in the exclusive domain of an employee. Here the State Government as in his own wisdom laid down the requisite experience required for the post of Headmaster. Any addition or subtraction by way of judicial review under Article 226 would go beyond the scope of jurisdiction of this Court.

In view thereof, the writ petition is found to be wholly misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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