

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8704 of 2021

-
-
1. Chitranjan Kumar son of Krishna Nand Singh, Resident of Village-Sudhirschak, P.O.-Hansadih, PS-Masaurhi, District-Patna.
 2. Rohit Kumar, son of Raman Bhagat, Resident of Village-Mohana, P.O.-Tehwara, P.S.-Katra, District-Muzaffarpur.
 3. Prince Kumar, son of Dilip Kumar Singh, Resident of Village-Gosaipur Nilami, P.O.-Jahangeerpur, P.S.-Shyampur Bhatahan, District-Sheohar.
 4. Radharaman Prasad, son of Shankar Dayal Prasad, Resident of Village-Paiga, P.O.-Mednipur, P.S.-Nasriganj, District-Rohtas.
 5. Rajnish Kumar, son of Ramdahin Ram, Resident of Village and P.O.-Jamui, P.S.-Sikanderpur, District-Balia (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Irrigation Department, Govt. of Bihar, Patna.
4. The Bihar Technical Service Commission, through its Secretary, Govt. of Bihar, Patna.
5. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Govt. of Bihar, Patna.
6. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Govt. of Bihar, Patna.
7. The Under Secretary to the Government, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar
For the Respondent/s : Mr.

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

Date : 15-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

In the instant petition, petitioners are candidate for recruitment to the post of Junior Engineer. Petitioners are qualified in Diploma in Civil Engineering (Rural Technology) whereas the



Junior Engineer (Civil Engineering) under the Rules called “Bihar Water Resources Department Sub-ordinate Engineering (Civil) Cadre Recruitment Rule, 2015”, qualification reads as under (Para 9 & 10 of page 39 of the petition):-

“9. Qualifications – (1) Qualifications for appointment in this cadre shall be as follows:-

(i) A candidate must be a citizen of India except the special order of the Government.

(ii) For the subordinate Engineering Cadre, diploma or equivalent qualification holder in civil engineering.

(iii) Technical qualification/eligibilities for selection:-

(a) Diploma or Equivalent qualification in Civil Engineering issued by the institutes recognized by AICTE, which has obtained recognition from the State Technical Board or

(b) Non-Distance Mode Diploma in Civil Engineering or equivalent qualification issued by Deemed University under UGC ACT.

(2) Age of applicant must not be less than 18 (eighteen) years as on first August of the year of requisition. Maximum age shall be within the reservation category wise limit determined by the State Government (General Administrative Department) from time to time. But relaxation of maximum 10 (ten) years will be admissible to the Junior Engineers (Civil), already employed on contract basis, in the maximum age-limit.

10. Procedure of selection :- (1)

Selection to the posts of basic category of this cadre i.e. (Junior Engineer (Civil) shall be made by the Commission on the basis of percentage of marks obtained in Diploma or equivalent qualification as well as Interview (viva voce). Such candidates having experience of working on the post of Junior Engineer (Civil) on contract basis under the Government of Bihar or in any



undertaking/body/corporation/entity/Authority/autonomous body under the Government of Bihar, who fulfill the qualifications of the recruitment in this cadre, shall be given preference by giving additional marks according to sub rule (2) of this Rule.

(2) Merit list of candidates shall be prepared on the following basis :-

Full Marks

- | | |
|--|------------|
| (a) On the basis of percentage of marks obtained in Diploma (Civil) or equivalent qualification | -60 |
| (b) Maximum weightage for the working experience on contract basis (weightage of per working year shall be 5 marks maximum limit of which will be up to 25 marks. For part of any year, obtained proportionate mark by dividing by 365 to the no. of working days in that year multiplying by number 5, will be added) | -25 |
| (c) Interview (viva voce) | <u>-15</u> |

**Total -100
Marks**

(3) Determination of working period on the contract basis shall be made on the basis of Payment Certificate issued by their respective controlling officers. For this, the period up to the cut off date mentioned in the advertisement published by the Commission shall be calculated for the working experience.”

Perusal of the aforesaid educational qualification for the post of Junior Engineer is a Diploma or equivalent qualification in Civil Engineering issued by the institutes recognized by AICTE which has obtained recognition from the State Technical Board etc.



whereas the petitioners are Diploma holders in Engineering (Rural Engineer). The post of Diploma in Civil Engineering has not been equated to that of Diploma in Rural Engineering.

At this stage, learned counsel for the petitioners pointed out from para 10 (**Procedure of Selection**) of page 39 of the petition which requires basic percentage of marks obtained in Diploma or equivalent qualification. Therefore, petitioners are eligible for appointment to the post of Junior Engineer (Civil).

Reference under para 10 of page 39 of the petition is required to be read with reference to para 9 (**Qualifications**) of page 39 of the petition, namely, Diploma or equivalent qualification in Civil Engineering. Learned counsel for the petitioners has not pointed out relevant provision of law which are equivalent qualification in Civil Engineering declared by the Government. So also, Rules 2015 do not provide for equality. Therefore, in the absence of any Government Order equated Diploma in Civil Engineering to that of Diploma in Rural Engineering, petitioners are not entitled to relief sought in the present petition. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

