

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6275 of 2018

Bihar Polytechnic Chhatra Sangh Through Its General Secretary Namely
Raushan Kumar S/o Sri Nandeshwar Prasad Singh Resident of Village-
Beladhi, P.O.-Tarari, P.S.-Daudnagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Water Resources, Govt. of Bihar,Patna.
4. The Principal Secretary,Department of Minor Water Resources, Govt. of Bihar,Patna.
5. The Principal Secretary, Department of Urban Development and Housing, Govt. of Bihar,Patna.
6. The Principal Secretary, Department of Building Construction, Govt. of Bihar,Patna.
7. The Principal Secretary, Department of Road Construction, Govt. of Bihar,Patna.
8. The Principal Secretary, Department of Rural Works Govt. of Bihar,Patna.
9. The Principal Secretary, Department of Planning and Development, Govt. of Bihar, Patna.
10. The Principal Secretary, Department of Public Health and Engineering, Govt. of Bihar,Patna.
11. The Principal Secretary, Department of Animal and Fisheries Resources, Govt. of Bihar,Patna.
12. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar,Patna.
13. The Principal Secretary, Department of General Administration, Govt. of Bihar,Patna.
14. The Bihar Staff Selection Commission, through its Secretary, Government of Bihar, Patna.
15. The Chairman, Bihar Staff Selection Commission, Government of Bihar, Patna.
16. The Bihar Technical Staff Selection Commission, through its secretary, Government of Bihar, Patna.
17. The Chairman, Bihar Technical Staff Selection Commission, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate
For the Respondent/s : Mr. Satyabir Bharti, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 12-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) **FOR** issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions quashing / setting aside Notification No. – 9/Est-11-1139/06/Part – I_3950 and Notification No. – 9/Est-01-25/2015_3951 dated 07/11/2017 [ANNEXURE – 7 SERIES] of the Water Resources Department, Government of Bihar, declaring the same as ultra vires to the Constitution of India, whereby the Water Resources Department, Government of Bihar issued notification making rules to amend the “Bihar Water Resources

Department Subordinate Engineering (Civil) Cadre Recruitment Rules, 2015” and “Bihar Water Resources Department Subordinate Engineering (Mechanical) Cadre Recruitment Rules, 2015” respectively, wherein Rule – 10 of both the aforesaid rules are amended to the extent that the merit list will be of 100 marks wherein 75 marks will be provided on the percentage of academic marks obtained and 25 marks on the work experience on contractual basis without any written and oral competitive examination in a discriminatory way at the cost of sufferings of the meritorious students.

- (ii) **FOR** issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions commanding the concerned Respondents not to adopt the aforesaid model rules notified by the Water Resources Department mechanically **and** for issuance of appropriate order / orders, direction / directions commanding the Respondents not to issue advertisement for appointment of sub-ordinate engineers in furtherance of the aforesaid amended rules but to make permanent appointment of sub-ordinate engineers only on the basis of merit by conducting written and oral competitive examination through the Bihar Technical Staff Services Commission.
- (iii) **FOR** any other relief / reliefs for which the Petitioner is entitled under law.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that

petitioner shall be content if a direction is issued to the authority concerned i.e. **(respondent no. 4, The Principal Secretary, Department of Minor Water Resources, Govt. of Bihar, Patna)** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid

terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	