

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15060 of 2021

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1. Mukesh Kumar, Son of Late Punit Prasad, Resident of Village and P.O.- Siraha, P.S.- Pakri Dayal, District- East Champaran.
 2. Pradeep Patel, Son of Nawal Kishor Roy ,Resident of Village- Pipara Khem, P.S.- Kalyanpur, District- East Champaran.
 3. Md. Zafar Imam, Son of Md. Mazhar Hussain, Resident of Village- Sishani, P.S.- Kundawa Chainpur, District- East Champaran.
 4. Himanshu Kumar Son of Shashikant Rai Resident of Village- Kudarkat, P.S.- Chhauradano, District- East Champaran.
 5. Varun Kumar Son of Sri Sanjay Kumar Pandey Resident of Mohalla- Sri Krishna Nagar, Motihari, Ward No. 31, P.S.- Motihari, District- East Champaran.
 6. Shivendra Thakur Son of Rameshwar Thakur Resident of Village- Gohi, P.S.- Warisnagar, District- Samastipur.
 7. Pankaj Kumar Son of Harinandan Prasad Resident of Village- Tenua, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Animal Husbandary and Fishery Department, Govt. of Bihar, Patna.
3. The Fishery Directorate Govt. of Bihar, Patna.
4. The Secretary Bihar Staff Selection Commission Through its Secretary, Veterinary College, Patna.
5. The Chairman Bihar Staff Selection Commission, Veterinary College, Patna.
6. The Bihar Technical Service Commission Through its Secretary, Harding Road, Patna.
7. The Deputy Secretary Bihar Technical Service Commission, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr.Dinu Kumar, Advocate
For the State	:	Ms.Nutan Sahay, AC to AAG12
For B.T.S.C.	:	Mr.Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-09-2022 The writ application has been filed for a direction
upon the respondent-Bihar Staff Selection Commission (for



brevity, BSSC) to complete the selection process initiated under Advertisement No.08080114 dated 24.11.2014 for selection of Fishery Extension Officer and restraining the Bihar Technical Service Commission (for brevity, BTSC) for filling up the post by appointing Fishery Development Officer.

2. Mr. Dinu Kumar, learned counsel for the petitioner, submits that Advertisement dated 24.11.2014 was issued by the BSSC for filling up vacancies of Fishery Extension Officer. Petitioners had applied in response to the same. The process initiated under Advertisement No.08080114 has not been aborted/canceled. Since there is no order bringing to an end the selection process initiated under Advertisement dated 24.11.2014, the Authorities cannot be permitted to embark on a fresh exercise for making selection to the same post, now re-designated as Fishery Development Officer, by a different selection/recommending body, namely Bihar Technical Service Commission, till such time the process initiated under the earlier Advertisement of 2014 is concluded or cancelled by an order.

3. The petitioners had applied for appointment against the 61 posts of Fishery Extension Supervisor which has never been recalled or canceled. And since the Advertisement has not been recalled or canceled the BTSC, now cannot be



permitted to proceed with fresh appointment process initiated by Advertisement No. 3 of 2021 for filling up the same posts with Fishery Development Officer. The petitioners have also sought quashing of the merit list dated 18.07.2022 issued by the Secretary, BTSC as a result of the selection process initiated under Advertisement No.3 of 2021.

4. Learned Counsel for the State submits that the Fisheries Extension Officers, who were working on contractual basis, claimed weightage in the matter of regular selection under existing Resolution No.8025 dated 21.05.2013 of the General Administration Department. They had accordingly approached this Court by filing a writ application (C.W.J.C. No.968 of 2015). The same was allowed with a direction to the Respondents to implement the General Administration Department Resolution dated 21.05.2013 (supra) and provide weightage to candidates working on contract basis in conformity with the said directives. The BSSC, which had issued the advertisement dated 24.11.2014, was also a party to the writ proceedings arising out of C.W.J.C. No.968 of 2015. For enabling implementation of the Court's order, so as to provide weightage to the Fishery Extension Officer working on contract basis, the BSSC instead of proceeding with the



selection process had returned the requisition.

5. The Recruitment Rule was also amended keeping in view the Court's directive in C.W.J.C. No.968 of 2015 and notified in the year 2020 as Bihar Animal Fishery Resources (Fish) Service Condition Amendment Rule, 2020. The unamended Rules of 2007 under which the earlier Advertisement of 2014 was issued, therefore, had stood repealed and requisition for making recommendations, therefore, had in any case lapsed. The post of Fishery Extension Supervisor and Fisheries Inspector have now merged and ceased to exist. Under the 2020 Rules appointment to the post of Fisheries Development Officer is to be done by the BTSC. The Advertisement No.3 of 2021 has thus been issued by the BTSC for selection of Fishery Development Officer.

6. After hearing the parties, this Court is of the view that since the Authorities have taken steps to give weightage to Fisheries Extension Officer working on contract in terms of the order passed by this Court in C.W.J.C. No.968 of 2015, by amending the Rules in the year 2020, and since under the new Rules the selection is to be done by the BTSC, this Court would not find any fault in issuance of Advertisement No.3 of 2021 by the BTSC. The post of Fishery Extension



Supervisor and Fishery Inspector stands merged by virtue of the 2020 Rules, which fact is not disputed by the petitioners in their rejoinder. This Court would also consider the fact that petitioners have not challenged the 2020 Rules.

7. In view of these developments subsequent to issuance of Advertisement in the year 2014, the Advertisement, in response to which the petitioners had applied, clearly is now futile as no appointment can be made to the post of Fishery Extension Supervisor, which post, now does not exist. The facts and circumstances brought on record by the State make out very justifiable and cogent reasons for not proceeding afresh with the Advertisement of 2014.

8. This Court does not find any grounds for issuing the directions sought for in the instant writ proceedings.

9. The writ application is devoid of merits and dismissed.

(Madhuresh Prasad, J)

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