

Anand Kumar Jha Son of Jaibir Jha Resident of Village - Ghogharaha, Police Station - Jale, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Commissioner , Darbhanga Division , Darbhanga.
4. The Collector-cum-District Magistrate, Darbhanga.
5. The Deputy Collector Establishment, Darbhanga.

... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Adv.

For the State : Mr. Vishwambhav Prasad, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

12-12-2022

1. The petitioner by way of this writ petition prays to allow him to participate for selection on the Class IV post. Learned counsel submits that earlier decision was taken to allow all persons who were VIIIth Class pass to participate which has now been changed in midway and the qualification has been now fixed as Xth (Matriculation) Pass.

2. Learned counsel submits that by changing the qualification, the petitioner has been deprived to participate. I have carefully considered the submission. While Supreme Court in **K. Manjushree Vs. State of Andhra Pradesh and Another 2008(3) SCC 512** had held that the rules of the game once started cannot be changed in midway but there is always an



exception where an advertisement has been issued laying down qualifications and if the rules change in between, the authorities are required to issue corrigendum to the advertisement. As per corrigendums persons are given opportunity to apply accordingly. In these circumstances, therefore, the said principle will not apply as laid down in **K. Manjushree Vs. State of Andhra Pradesh and Another 2008(3) SCC 512, Tej Prakash Pathak & Ors. Vs. Rajasthan High Court & Ors. 2013 (4) SCC 540** and in **Salam Samarjeet Singh Vs. High Court of Manipur at Imphal & Another 2016 (10) SCC 484.**

3. The present case in the order dated 09.04.2012 relies on the changed minimum qualifications and accordingly the committee rejected the candidature of the petitioner.

4. Keeping in view above the aforesaid principle, the claim of the petitioner fails.

5. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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