

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.275 of 2022

In
Civil Writ Jurisdiction Case No.13312 of 2021

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Bipin Kumar Mishra Son of Awadhesh Narain Mishra, Resident of Village
and Post - Bharpurwa, P.S. - Vijayipur, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Department of Education, Bihar, Patna.
5. The Chairman Bihar State Examination Board, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prince Kumar Mishra, Advocate
For the Respondent/s : Mr.Ajay Kr. Rastogi (AAG-10)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 6 27-09-2023 1. The appeal is filed against the judgment of the learned Single Judge, which refused to interfere with the decision of the State Government to qualify all Secondary Teacher Eligibility Test, 2019 (for brevity “S.T.E.T.”) qualified persons who secured minimum marks in the admission test to be called for the interview. The contention of the petitioner who did not have the S.T.E.T. qualification was that there was a specific requirement of calling a definite percentage of candidates with



reference to the number of vacancies available and in that circumstance, the present prescription of permitting S.T.E.T. qualified hands would lead to escalation of the total candidates called for the interview.

2. The petitioner's contention is two fold. One that the prescription of S.T.E.T. qualified candidates being called for the interview is a change in the rule mid-way after the selection procedure was initiated; not declared in the advertisement. Then it is contented that the persons who figured in the first merit list published are persons who got more marks, who have a preferential claim to appointment.

3. As for the ground of change mid-way, it is to be noticed that this does not in any way prejudice the large mass of applicants since it is not a change regarding the process of selection which the applicants, should have been put on notice, beforehand. The change brought in only brings in more persons to the zone of consideration and does not exclude anyone. The grievance only can be with regard to the lesser chance of appointment; for reason of more competition. The said ground cannot be countenanced, especially since none has a right to get appointed on having figured in the rank-list. This answers, also the second apprehension raised by the petitioner.



4. We are satisfied that there is no valid contention urged against the selection process. We also notice that as of now the selection has not proceeded with. A new selection procedure is resorted to as per the new rules of recruitment brought in.

5. We hence find no reason to keep the appeal pending and dismiss the same as infructuous.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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