

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12203 of 2015**

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1. Commissioner, Navodaya Vidyalaya Samiti, A/28, Kailash Colony, New Delhi
  2. Deputy Commissioner, Regional Office, Navodaya Vidyalaya Samiti, Patna Region, Boring Road, Opp. A. N. College, Patna.
  3. Principal, Jawahar Navodaya Vidyalaya, Nawanagar, Buxar, Bihar.

... .. Petitioner/s

Versus

1. Balmukund Narayan, C/O Sri Ram Uday Sharma, resident of Village Narauanpur, P.O. Shakurabad, District Jehanabad, Bihar.
2. Union of India through the Secretary, Ministry of Human Resources Development Department, Government of India, New Delhi

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate  
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 24-02-2023**

In the instant writ petition, petitioner has assailed the order of the C.A.T. dated 16.04.2015 passed in O.A. No. 394 of 2010.

2. Respondent-Balmukund Narayan, who was original applicant before the CAT has prayed for the following reliefs:-

*“8(a) The Recruitment Rules, 2007 for promotion to TGT to PGT, which is contained in Annexure A/10 with MA may be quashed and set aside.*

*(b) The respondents may be directed to consider the case of the applicant for*



*promotion to the post of PGT (Chemistry) at par with his juniors or specified periods by the Hon'ble Tribunal.*

*(c) Any other order/direction that may be considered fit and proper may be passed in the facts and circumstances of the case.*

*(d) Cost of the proceeding be awarded to the applicant."*

3. Grievance of the respondent was allowed by the CAT while setting aside the Revised Recruitment Rules, 2007 and further directed the concerned respondent to take corrective action by reviewing the rules within a period of 4 months from the date of receipt/communication of the order. The matter was heard at length on 18.01.2023 and we have posed a question as to whether before publication of Revised Recruitment Rules, 2007, draft rules have been issued inviting objections/suggestions from such of those persons whose rights were likely to be affected in the event of giving effect to the Draft Rules or not?

4. Today learned counsel for the petitioner submitted on instruction that Draft Rules have not been notified. If Draft Rules are not notified, then certain rights vested with the concerned persons would be affected in the event of abruptly issuing Revised Recruitment Rules, 2007 while incorporating certain qualifications or criteria for the purpose of promotion, therefore, they have to be heard before framing rules. That apart



in the event of issuing any Revised Recruitment Rules and in such rules if any qualification or criteria is prescribed for the first time, in such circumstances, to acquire such newly added qualifications or criteria, the concerned candidates/employees were required to be given time to acquire such qualification to fulfill the criteria. Ordinarily, if any degree qualification or diploma qualification is incorporated, in that event, 3 years' time was required to be given by the rule making authority and similar yardstick is required to be extended in the event of any other criteria.

5. In the light of these facts and circumstances, the petitioners have not made out a case so as to interfere with the order of the CAT dated 16.04.2015 passed in O.A. No. 394 of 2010.

6. Accordingly, the writ petition stands dismissed.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

Daya/  
Himanshu/-

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| AFR/NAFR          | NAFR       |
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