

Civil Writ Jurisdiction Case No.183 of 2022

- Petitioner/s

... .. Respondent/s

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

"25. If that be the legal position, and if the case is analyzed in the backdrop of the totality of the circumstances, we are of the considered view recruitment undertaken as per the Rules of



2009 is a process which vitiates the recruitment of Articles of 14 and 16 of the Constitution. Merely by conducting a viva voce test a selection to a class IV post, in our considered view, should not be and cannot be approved by us in the light of the legal principles discussed hereinabove and when in such cases the selection process has not culminated in issuance of appointment letter, we have no hesitation in holding that all such process of selection should be cancelled and selection made afresh to the posts in all such districts in accordance to the new Rule of 2017. However, in such cases where the appointment letters have already been issued, the selected candidates joined or are on the process of joining duties, and where complaints are received, the High Court may cause an inquiry and after following the due process may annul the selection, if found to be illegal else the appointments can be approved, if the same are found to have been done in accordance with law as was prevalent on the date of initiating the process of appointment. (emphasis mine) As far as the other districts detailed at Annexure-P are concerned, we direct for cancellation of the ongoing selection process and to initiate the process of appointment afresh in accordance to Rules of 2017. In case, any appointment process in accordance to Rule of 2017 has commenced in any of the districts in the state Bihar, the same may proceed in accordance to new Rules. We allow this petition and dispose it of in the manner as indicated."

3. It is not the petitioners' case that pursuant to the process of selection which was in issue before the division bench in the case of ***Bihar Yuva Adhiwakta Kalyan Samittee*** (*supra*), the petitioners had been declared selected, let alone issued appointment letters.

4. In view thereof, no right had accrued to the



petitioners by virtue of participation in the recruitment process of the year 2016 with respect to which the division bench had passed orders.

5. The petitioners' claim that they should be offered appointment on class-IV post by setting-aside the order/s dated 29-10-2021 and 3-11-2021, therefore, is devoid of any substance. The Court finds no merit in the writ petition and the same is dismissed.

(Madhuresh Prasad, J)

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