

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18302 of 2022

1. Abhay Kumar Patel Son of Siyaram Singh, Resident of Village+ PO Amaon, P.S.- Chainpur, District- Kaimur, Bihar- 821106.
2. Rohit Abhishek Son of Rishi Deo Sinha, Resident of House No. 103, Shahtoli Mohalla, Danapur, P.S.- Danapur, District- Patna, Bihar- 801503
3. Anand Raj Son of Tej Narayan Sah, Resident of Village and P.O. and P.S.- Nirmali, District- Supaul, Bihar- 847452
4. Anurag Rishav Son of Sheo Kumar, Resident of Flat No. 301, Block B, Tulsi Ramayan Residency, Balupar, Kurji, P.O.- Sadaqat Ashram, P.S.- Digha, District- Patna, Bihar- 800010
5. Sidhartha Kumar Son of Karunesh Kumar, Resident of Rajiv Nagar, Kanti Factory Road, P.O.- B.H. Colony, Kankarbagh, P.S.- Patrakar Nagar, District- Patna, Bihar- 800026
6. Kumar Ranvivek Son of Ranvibhor Singh, C/o Late Kali Singh, East Lohanipur, Railway Hunder Road, P.O. and P.S.- Kadamkuan, District- Patna, Bihar- 800003
7. Himanshu Shekhar Son of Rajeev Kumar Resident of Mohalla- Mithapur, P.O.- Lai, P.S.- Bihta District- Patna, Bihar- 801112
8. Dhiraj Kumar Son of Satendra Dubey, Resident at Kothari, p.o.- Kanhaiyaganj, P.S.- Telhara, District- Nalanda, Bihar- 801306
9. Vikas Ranjan Son of Ramsewak Prasad, Resident of Village and P.S. and P.O.- Telhara, District- Nalanda, Bihar- 801306
10. Amit Prakash son of Om Prakash, resident At F-26, Anand Vihar Colony, Bhootnath Road, P.O. - B.H, Colony, P.S.-Agamkuan, District-Patna, Bihar - 800026.
11. Dayanand Das son of Prakash Rabidas, resident of village and P.O.- Diwaniya, P.S.- Barachatti, District-Gaya, Bihar-824201.
12. Chandra Shekhar Vijay son of Ramawatar Sahu, resident of village- Gaur Andhara, P.O.- Andhara Tharhi, P.S. - Rudrapur, District- Madhubani, Bihar - 847401.
13. Abhishek Kumar son of Arvind Prasad Gupta, resident at and P.O. and P.S. - Birpur, Near Gol Chowk, District-Supaul, Bihar - 854340.
14. Abhimanyu Bharti son of Bijay Kumar, resident of village and P.O.-Tarchha, P.S. - Goradih, District-Bhagalpur, Bihar - 813105.



15. Gulshan Kumar, son of Praveen Kumar Singh, resident of village - Kiranpur, P.O.- Parariya, P.S. - Shambhuganj, District-Banka, Bihar - 813211.
16. Manish Kumar, son of Kedar Garain, resident of village and P.O.-Lalbigha, P.S. - Kashichak, District- Nawada, Bihar - 805108.
17. Anamika Sinha daughter of Anil Kumar Sinha, resident of village- Saraiyan, P.O.-Maranchi, P.S. - Punpun, District-Patna, Bihar - 804453.
18. Swati Kumari, daughter of Prem Kumar, resident of village- Sharphabad, P.O.-Nandlalabad, P.S. Gaurichak, District-Patna, Bihar 803201.
19. Ratnesh Kumar son of Baskit Sah, resident of village Rejma, P.O. and P.S. and District- Sheohar, Bihar - 843329.
20. Krishna Kunal Kumar, son of Ashok Kumar Ranjan, resident of village and P.O. - Jakhim, P.S. - Rafiganj, District- Aurangabad, Bihar-824122.
21. Om Prakash Singh son of Late Rajendra Prasad, resident of Rajiv Nagar, Road No. 16, P.O. - Keshrinagar, P.S. - Rajiv Nagar, District-Patna, Bihar - 800024.
22. Anshu Abhishek son of Anupam Kumar, resident of Shanti Niwas, Chankya Nagar, Kumhrar, P. O. - B.H. Colony, P. S. - Agamkuan, District-Patna, Bihar - 800026.
23. Pritam Kumar son of Sanjay Kumar, resident of village Kachaut, P.O. and P.S. - Salkhua Bazar, District-Saharsa, Bihar - 852126.
24. Roshan Kumar son of Awdhesh Nayak, resident of village - Hasanpur, P.O. - Maryganj, P.S. - Raniganj, District-Araria, Bihar - 854334.
25. Prashant Kumar son of Chandan Kumar, resident of village - Bahuriya Verma, P.O. - Munjhara, P.S. - Goh, District-Aurangabad, Bihar - 824203
26. Sujeet Kumar, son of Lal Bahadur Prasad, resident of village - Naya Tola Hakikatpur, P.O. and P.S. - Bakhtiyarpur, District-Patna, Bihar - 803212.
27. Krishan Kumar Keshav, son of Shyam Narayan Yadav, resident of village - Mahatma Gandhi College, Naya Tola, Sundarpur, P.O. - Lalbagh, P.S. - L.N.M.U., District-Darbhanga, Bihar - 846004.
28. Pranav Kumar son of Vikramaditya Singh, resident of village - R.D. Public School, Vikram Vihar, Tekari, P.O. and P.S. - Tekari, District-Gaya, Bihar - 824236.
29. Aditya Raj son of Arun Kumar, resident of Shreechan Lane, Sahu Road, Near Deepak Cinema, Chhoti Kalyani, Musahri, P.O. - Ramna, P.S. - Town Police Station, District- Muzaffarpur, Bihar - 842002.
30. Md. Arshad Shakil son of Md. Shakil, resident of village and P.O. -



- Nayaganj, P.S. - Desari, District- Vaishali, Bihar - 844506.
31. Sagar Suman son of Hem Kumar Jha, resident of Gautam Nagar, Gangjala, Ward No. 11, Saharsa, P.O. and P.S. and District- Saharsa, Bihar - 852201.
 32. Anil Kumar son of Sanjay Kumar, resident of village - Jaitiya, P.O. - Jagpura, P.S. - Makhdumpur, District-Jehanabad, Bihar - 804424.
 33. Rohan Raj son of Arvind Kumar Singh, resident of village - Baraipatti, P.O. - Chhapmathia, P.S. - Mirganj, District-Gopalganj, Bihar - 841227.
 34. Manish Kumar son of Jagdish Prasad Keshri, resident at Kumhar Toli, P.O. and P.S. - Masaurhi, District-Patna, Bihar - 804452.
 35. Runi Bishain, daughter of Ranvivor Singh, resident at C/o Kali Singh, East Lohanipur, Railway Hunder Road, P.O. and P.S. - Kadamkuan, District-Patna, Bihar - 800003.
 36. Mohit Kumar son of Gaori Shankar Singh, resident of village and P.O. and P.S. - Barhiya, District- Lakhisarai, Bihar - 811302.
 37. Gaurav son of Lal Babu Thakur, resident of Maa Laxmi Complex, 403-B, I.A.S. Colony, P.O. - Danapur, P.S. - Rupaspur, District-Patna, Bihar - 801503.
 38. Pratima Kumari daughter of Akhila Nand Singh, resident of village and P.O. - Kobil, P.S. - Islampur, District-Nalanda, Bihar-801303.
 39. Abhishek Kumar @ Abhishek son of Awadhesh Prasad Mehta, resident of Shivaji Colony, P.O. - Madhubani, P.S. - K.Hatt, District- Purnea, Bihar - 854301.
 40. Rishi son of Sanjay Kumar, resident of Road No. 1A, Near Sahi Residence, Mahesh Nagar, Patna, P.O. - Keshri Nagar, P.S. - Patliputra, District-Patna, Bihar - 800024.
 41. Raman Kumar son of Baidyanath Jha, resident of village - Nungara, P.O. and P.S. Kadwa, District-Katihar, Bihar - 855114.
 42. Santosh Kumar son of Arvind Kumar, resident of village - Ratanpura, P.O. - Daruara, P.S. - Noorsarai, District- Nalanda, Bihar - 803101.
 43. Vikram Kumar @ Vikram son of Shatrughna Prasad, resident at Sudamapur, P.O. - Bithan, P.S.-Bithan, District -Samastipur, Bihar 848207.
 44. Uttam Kumar son of Ashok Kumar Chaudhary, resident of village - Haiwadpur, P.O. - Korla, Ward No. 4, P.S.-Muffasil, District- Begusarai, Bihar - 851127.
 45. Jitendra Kumar son of Lal Bahadur Singh, resident of village - Chandpura Saidabad, P.O. - Mohanpur, P.S. - Bidupur, District-Vaishali, Bihar - 844115.



46. Mohd. Haris, son of Meraj Ahmad, resident of village - Hansway, Ambedkar Nagar, P.O. - P.S. - Hanswar, District-Ambedkar Nagar, U.P. - 224143.
47. Anirudh Kumar Saddi son of Awadhesh Kumar Saddi, resident of C-28, Shivalik Vihar, Near Government School, P.O. and P.S. - Nayagaon, District-Mohali, Punjab-160103.
48. Anoop Kumar Sharma son of Ramashray Sharma, resident of village - Shripur, P.O. - Maricha, P.S. - Sahazitpur, District-Saran, Bihar - 841411.
49. Rishav Karan son of Ranjan, resident of village and P.O. - Bishunpur Pakri, P.S. - Beur, District-Patna, Bihar - 800002.
50. Kundan Kumar son of Vinay Kumar Singh, resident of mohalla - West Boring Canal Road, P.O. - G.P.O., P.S. - S.K. Puri, District-Patna, Bihar - 800001.
51. Manoj Kumar son of Munarik Yadav, resident of village - Bataspur, P.O. - Kujapi, P.S. - Chandauti, District-Gaya, Bihar - 823002.
52. Anjali daughter of Indrajit Singh, resident of Road NO. 10, Sanjay Gandhi Nagar, Hanuman Nagar, P.S. - Patrakar Nagar, District-Patna, Bihar - 800026.
53. Nikhil Kumar, son of Sunil Sharma, resident of Sector-2, Golki More, Nayachak, P.S. Ram Krishna Nagar, District-Patna, Bihar 800030.
54. Raushan Kumar son of Khageshwar Prasad Yadav, resident of Ward No. 4, Gauravgarh, P.O. and P.S. and District- Supaul, Bihar - 852131.
55. Vijay Kumar son of Guneshwar Mahto, resident of village - Sahiyar Burj, P.O. and P.S. - Rosera, District-Samastipur, Bihar - 848210.
56. Suman Kumar, son of Nityanand Mahto, resident at Khaira Dargah P.O. -Udaypur, P.S. - Rosera, District-Samastipur, Bihar - 848210.
57. Brajesh Ranjan son of Prabhash Chandra Jha, resident of Jamalpur, P.O. and P.S. - Jamalpur, District-Munger, Bihar - 811214.
58. Praveen Kumar Jha @ Praveen son of Manoj Kumar Jha, resident of village and P.O. - Bangaon, Ward No. 5 Near Mahadev Sthan, P.S. - Bajpatti, District- Sitamarhi, Bihar - 843314.
59. Rohit Kumar son of Satyendra Prasad, resident of village - Nauayanpur, P.O. - Dhobdiha, P.S. - Khudaganj, District- Nalanda, Bihar - 801303.
60. Rahul Kumar son of Lakshman Prasad Yadav, resident of village and P.O. - Shilaowri, P.S. - Marhowrah, District-Saran, Bihar - 841418.
61. Ravi Kumar son of Dwarika Thakurai, resident of village-Vishwambharapur, P.O.-Mehura, P.S. - Bhairoganj, District-West Champaran, Bihar - 845101.



62. Rahul Kumar Poddar, son of Ajay Kumar Poddar, resident of village - Morwa Khedutar, P.O. - Morwa, P.S. - Tajpur, District- Samastipur, Bihar - 848121.
63. Ajeet Bharti, Son of Ramesh Prasad, Resident of At -Usmanpur, P.O . - Koshiyawan, P.S- Ekangar Sarai, Dist - Nalanda, Bihar - 801301.
64. Rupesh Kumar Srivastava Son of Anil Prasad, resident of Dr. Isha Lane North Lane of Shiv Mandir Sinha Sadan Maulabagh, P.S.-Nawada Ara, District-Ara (Bhojpur) Bihar - 802301.
65. Kumar Vivek Son of Vinod Kumar, resident of Advocate Colony, Talab Road, Gola Road, P.O. - Danapur cant P.S. - Rupaspur, District-Patna Bihar - 801503.
66. Anurag Kumar Son of Tarkeshwar Prasad Yadav, resident of Vill-Alampur, Gonpura, P.O - Gonpura, P.S. - Phulwari Sharif, Dist- Patna, Bihar - 801505.
67. Bhushan Kumar, Son of Kedar Pandit, resident of At - Kesariya Chainpur, P.O and P.S. - Kesariya, Dist - East Champaran, Bihar - 845424.
68. Vinay Kumar Son of Satendra Prasad, resident of Vill - Musepur, P.O.- Bhewar Sikariya, Dist- Jehanabad Bihar - 804454
69. Prabhat Kumar Son of Harikant Mishra, resident of Vill and P.O- Pahsara, P.S.-Naokothi, Dist - Begusarai, Bihar - 851127.
70. Ajeet Kumar Son of Shambhu Prasad, resident of vill - Saidpur Dighwara P.O and P.S - Dighwara, Dist - Saran, Bihar - 841207
71. Anamika Daughter of Ashok Kumar Roy, resident of Vill and P.O- Mohanpur, P.S.- Patori, Dist - Samastipur, Bihar - 848506.
72. Niraj Kumar Bharati, Son of Vijay Prasad Gupta, resident of Vill and P.O - Lahsuna, P.S- Masaurhi, Dist -Patna, Bihar - 804452.
73. Manish Kumar Choudhary, Son of Sikandar Prasad Choudhary, resident of Vill and P.O- Nadiya Tola, Kahalgaon, P.S - Kahalgaon, Dist - Bhagalpur, Bihar - 813203.
74. Vikash Kumar Son of Ranjeet Prasad, resident of Vill and P.O.and P.S. - Bithan, Dist - Samastipur, Bihar 848207.
75. Kanhaiya Kumar Mandal, Son of Nandlal Mandal, resident of 0397, ward no - 09, Vill - Budhuchak Road Barmasiya, P.O - Katihar, P.S - Sahayak, Dist - Katihar, Bihar - 854105.
76. Piyush Ranjan Son of Amarendra Nath Ojha, resident of Vill -Karja, P.O - Umraoganj, P.S - Bihiya, Dist - Bhojpur, Bihar - 802166.
77. Krishna Kumar Son of Bindeshwari Choudhary, resident of At and P.O and



- P.S -Phurlwarisharif, Dist - Patna, Bihar - 801505.
78. Anand Kumar Son of Kishori Saw, resident of Bihari Path New Bagrahpur, Mithapur, P.O - G.P.O, P.S - Jakkanpur , Bihar 800001.
79. Md Muntajir Alam Son of Md Abdul Gaffar, resident of Vill and P.O- Kainjari, P.S. Beldaur, Dist - Khagaria, Bihar-852161.
80. Arunpriya Daughter of Gurucharan Sharma, resident of At - Babuganj, P.O and P.S- Rafiganj, Dist - Aurangabad, Bihar - 824125.
81. Ajay Kumar Son of Sitaram Mahto, resident of At - Chandi, P.O. - Brindawan, P.S - Ariyari, Dist - Shekhpura, Bihar -.
82. Chandan Kumar Son of Brajmohan Prasad Kushwaha, resident of Vill and P.O.-Parsauni Nath, P.S- Baruraj, Dist - Muzaffarpur, Bihar - 843127.
83. Md. Jamil Ahmad Son of Md. Mahtab Alam, resident of Near Azad Bagh Masjid, Goldi Press Road, Mathia Zirata, P.O - Chatauni, P.S - Motihari, East Champaran, Bihar - 845401.
84. Md Sharfaj Son of Moin Ahmad, resident of Hamidpur Kurji, P.O - Sadaquat Ashram, P.S - Digha, District- Patna, Bihar - 800010
85. Pankaj Kumar Son of Sanjay Kumar, resident of Father, P.O - Mandachh, P.S - Telhara, Dist - Nalanda, Bihar - 801306.
86. Sudhir Kumar Son of Karu Ravidas, resident of Vill - Bahuara, P.O - Nagwan Pathra, P.S - Imamganj, Dist - Gaya, Bihar - 824210.
87. Vishnu Kumar, Son of Late Lakshmi Prasad Tanti, resident of Patwa Toli, Near - Panchayat Gali, ward no - 19, P.O and P.S - Daudnagar, Dist - Aurangabad, Bihar - 824143
88. Md Sohail Ansari Son of Aasmohammad Ansari, resident of Bharandua , P.O and P.S - Chenari, Dist - Rohtas, Bihar - 821104.
89. Shamsheer Alam Son of Late Md Amil, resident of Vill - Mansha Tola, Bettiah, P.O Barwat Pasrain, P.S - Mufassil Bettiah, Dist - West Champaran. Bihar - 845438.
90. Md. Muzammil Son of Md. Kamil, resident of At - Khalilabad, P.O - Birnagar, P.S - Bhargama, Dist - Araria, Bihar 854102.
91. Saurabh Anand Son of Satyanarayan Singh, resident of Vill and P.O. - Kerai, Via - Kalyanpur, P.S - Vibhutipur, Dist - Samastipur, Bihar - 848160.
92. Madhu Rani Daughter of Vijay Purway, resident of Gandhi Nagar , ward No - 11, Punaura Purvi, P.S - Sitamarhi, P.O. - Punaura District- Sitamarhi.
93. Neetu Singh Daughter of Sharda Prasad Singh, resident of Vill. - Belwa Buzurg, P.O - Mahuawa Karkhana, P.S - Turkpatti, Dist. - Kushinagar, Uttar



Pradesh 274402.

94. Roshani Ranjan, Daughter of Rakesh Raushan Kumar Singh, resident of Vill - Budhijivi Colony, P.O- Anishabad, P.S- Beur, Dist - Patna, Bihar 800002.
95. Apurva Kumari Daughter of Ashok Kumar, resident of Vill and P.O - Barah, Purab Tola Police Station - Harnaut, Dist - Nalanda , Bihar 803123.
96. Puja Singh, Daughter of Shri Anirudh Prasad Singh, resident of Vill and P.O and P.S - Andaur, Mohiuddin Nagar, Dist - Samastipur, Bihar 848502.
97. Anish Kumar Patel @ Anish Patel Son of JagNarayan Singh Patel, resident of South Patel Nagar, Kochas P.O and P.S - Kochas, Dist - Rohtas Bihar 821112.
98. Md Ashfaque Alam Son of Md. Ashraf, resident of Isapur, Phulwari Sharif, Rahmat Nagar, P.O. and P.S - Phulwari Sharif, Dist. - Patna, Bihar 801505.
99. Nishant Kumar Sinha, Son of Manoj Kumar Sinha, resident of Vill - Bhatinia P.O - Bhelwa Circle, P.S - Ghorasahan East Champaran Bihar 845315.
- 100 Kaushal Kumar Son of Mahesh Das, resident of Vill - Bilaspur, P.O - Ner, P.S - Makhdumpur, Dist - Jehanabad, Bihar 804422.
- 101 Divyanshu Son of Umesh Kumar, resident of Add - B44 Jay Prakash Nagar, P.O - Ashiana Nagar, P.S - Shashtrinagar, District- Patna, Bihar 800025
- 102 Govind Kumar @ Govind Son of Kanhaiya Sah, resident of Vill - Malahi Tola, P.O - Balua Rampura, P.S - Bairiya, Dist - West Champaran Bihar 845438.
- 103 Shivantanu Kumar Shiv Son of Ram Parkash Mandal, resident of Vill and P.O - Gopalpur, P.S - Chanan, Dist - Lakhisarai Bihar 811310.
- 104 Pawan Kumar Son of Vidya Prasad, resident of South of Near Sdo Court Masaurhi, P.O and P.S - Masaurhi, Dist - Patna Bihar 804452.
- 105 Bamlesh Kumar Son of Manoranjan Kumar, resident of Vill and P.O - Bhutauli, P.S - Chautham, Dist - Khagaria 851201.
- 106 Suman Shourabh Son of Bishnu Ray, resident of Vill - Makhna P.O - Balua Chak, P.S - Jagdishpur Bhagalpur, Bihar 812005.
- 107 Ayush Kumar Son of Mukesh Kumar yadav resident of At, Basauni, P.O - Dharhara, P.S - Piribazar, Dist - Lakhisarai 811212.
- 108 Anurag Kumar Son of Raghubir Prasad, resident of House No 21 (C) Jagdevpuri Colony Jagdevpath, Bailey Road Patna - 14 P.O.-B.V. College, P.S.-Havaiadda, Dist - Patna Bihar-800014.
- 109 Saurav Kumar Son of Raju Kumar, resident of Add 64 Kalambagh Road,



- Punjabi Colony, Gannipur Near I.T.I., P.O Ramna, P.S Kazi Mohammadpur, Dist Muzaffarpur, Bihar-842002.
- 110 Abhishek Kumar Son of Mukesh Chaudhary, resident of Vill and P.O - Kauriya - Raipur, P.S - Nanpur, Dist - Sitamarhi, 843326.
111. Guddu Kumar Son of Sita Ram Ray, resident of Vill and P.O - Muktapur, P.S - Kalyanpur, Dist - Samstipur, Bihar 848102.
- 112 Nitesh Kumar Son of Shrawan Kumar, resident of At - Nawtoli, P.O - Rampatti, P.S - Rajnagar, Dist - Madhubani, Bihar-847236.
- 113 Keshav Kumar Son of Nandu Prasad, resident of Vill and P.O and P.S - Inarwa, Dist - West Champaran, Bihar 845306.
- 114 Mohammed Raushan Son of Mohammed Safique, resident of village and P.O. - Parsahi Sirsiya, P.S - Khutauna, District-Madhubani, Bihar 847421.
- 115 Yusuf Jameel Akbar Son of Md. Mumtaz, resident of Mohalla - Sarai Sattar Khan, P.O and P.S - Laheriasarai Dist - Darbhanga, Bihar 846001.
- 116 Md Sanaullah Son of Md Shohrat Hussain, Male resident of Village - Darampur, P.O. Shamaspur, P.S - Belaganj, Dist - Gaya, Bihar - 804403.
- 117 Jitesh Kumar Son of Ram Bharoshi Singh, resident of Vill- Sabalpur, P.O.- Dighi, P.S - Laxmipur, Dist - Jamui, Bihar - 811312.
- 118 Rajesh Kumar Son of Ashok Pandit, resident of At and P.O and P.S - Begusarai, Dist Begusarai, Bihar - 851101.
- 119 Divyangana Daughter of J.N. Choudhary resident of House No - 2E/3, Road No - 2, Tirhut Colony, Ahiyapur, New Zero Mile, Dist - Muzaffarpur, Bihar - 842001.
- 120 Sneha Kumari Daughter of Jagsish Prasad, resident of Vipo Khizer Sarai Shiwala, P.S. - Khizer Sarai, Dist - Gaya, Bihar - 824233.
- 121 Mayank Son of Raghubansh Prasad Singh, resident of Postal Park, Road - 01, Chirayataur, Patna, Bihar - 800001.
- 122 Diwakar Kumar Son of Shubalak Mandal, resident of At - Bangdiha, P.O - Kasimpur, P.S- Goradih, Dist - Bhagalpur, Bihar - 813105.
- 123 Ranveer Kumar, Son of Umesh Ram, resident of Manpur Pehani, P.O. - Buniyadganj, Dist - Gaya, Bihar - 823003.
- 124 Md. Jeeeshan Ali Son of Mohammad Rafiullah, resident of Vill.- Parmandapur, P.O and P.S. and District - Ballia, Uttar Pradesh - 277001.
- 125 Realtu Kumar Son of Rakshya Prashad, resident of Vill and P.O - Malhari, P.S- Imamganj, Dist - Gaya, Bihar - 824206.
- 126 Harsh Kumar Singh Son of Narendra Kumar Singh, resident of at - 11/1



- Punjabi Colony, Alopibagh, Dist - Prayagraj, U.P - 211006.
- 127 Palak Kumari Daughter of Shree Shatrudhan Prasad, Resident of Vill and P.O - Sariswa Bazar, P.S - Manjhoulia, Dist - West Champaran, Bihar - 845454.
- 128 Sumbul Iqbal @ Sumbul Daughter of Mohd. Iqbal Ansari, Resident of Negahibeg Near Town Hall, P.S.-Kotwali, Dist - Ghazipur, U.P - 233001.
- 129 Rashmi Jaiswal Daughter of Lt. Dharmendra Jaiswal, Resident of House No. 56A, Alinagar Pt.Ddu, P.O and P.S- Alinagar 232101.
- 130 Vikash Kumar Son of Rajendra Prasad Gupta, Resident of Sinduar, P.O.- Dangra, P.S. - Mohanpur, Dist - Gaya, Bihar - 824201.
- 131 Kamlesh Singh Son of Harbansh Singh, Resident of village- Mahamatpur, P.O.-Surungapur, P.S. - Parasbigaha, Dist - Jehanabad, Bihar - 804429.
- 132 Abhinav Kumar Son of Ranjeet Prasad, Resident of Vill and P.O - Sarbahdi, P.S - Manpur, Dist- Nalanda, Bihar - 803107.
- 133 Rakesh Kumar Son of Tulsi Prasad Sahu, Resident of Vill and P.O- Deokuli, P.S. - Brahampur, Dist - Buxar, Bihar - 802112.
- 134 Saurabh Suman Son of Ramkrishna Paramhans, Resident of At-Shivpuri, P.O and P.S - Araria, Dist - Araria, Bihar - 854311.
- 135 Hariom Son of Baidyanath Singh, Resident of Vill and P.O- Tarari, P.S. - Daudnagar, Dist -Aurangabad, Bihar - 824143.
- 136 Vaibhav Prateek, Son of Sunil Kumar Singh, Resident of Brahi Niwas, Raghunath Puri Near Old Bus stand, Sitamarhi, P.O - Mehasoul OP, Dist - Sitamarhi, Bihar - 843302.
- 137 Prachi Gupta Daughter of Dinesh Prasad, Resident of Vill and P.O and P.S - Rahui, Dist - Nalanda, Bihar - 803119.
- 138 Diksha Kumari Daughter of Manoj Kr. Srivastava, Resident of Vill - Tola Uttim Pandey, P.O-Ratanmala, P.S - Majhaulia, Dist - West Champaran, Bihar - 845454.
- 139 Jyoti Yadav Daughter of Ramesh Chandra, Resident of Vill. - Odar, P.O -Nindoora, P.S.-Kurshi, Dist - Barabanki, U.P - 225302.
- 140 Akanksha Daughter of Jay Prakash Maurya, Resident of Vill - Nawabganj Atrampur, Dist - Prayagraj, U.P. - 229412.
- 141 Prabhat Kr. Sah Son of Shankar Sah, Resident of Vill - Jagdishpur, P.O - Kaituka Lachhi, P.S - Maker, Dist - Saran, Bihar - 841460.
- 142 Surajbhan Kumar Singh, son of Lt. Subhash Singh, Resident of Vill - Tulsipatti Kalyanpur, P.O and P.S- Kalyanpur, Dist - East Champaran, Bihar



- 845413.

- 143 Nishant Nayan, Son of Shashi Bhushan Sharma, aged 28 years, Male, Resident of New Godown Road, P.S - Kotwali, P.O. and District-Gaya, Bihar - 823001.
- 144 Md Absar Alam Son of Shamim Akhtar, Resident of Vill - Amour, P.O and P.S - Amour, Dist - Purnea, Bihar 854315.
- 145 Vivek Kumar Son of Ramswarup Prasad Yadav, Resident of Vill - Madhopur, P.O - Bishanpur, P.S - Thali, Dist - Nawada, Bihar - 805102.
- 146 Abhishek Ranjan Son of Rajendra Prasad, Resident of Vill and P.O - Sonsa, P.S - Rahui, Dist - Nalanda, Bihar - 803119.
- 147 Vijay Kumar Son of Dasrath Prasad, Resident of Station Road Jaynagar, ward - 05, Dist - Madhubani, Bihar - 847226.
- 148 Varsha Sinha, Daughter of Wirja Nand Kumar, Resident of House No - GN0291549, Mohalla Begeshwari, Near Bam Baba, P.O - R.S Gaya, P.S - Delha, Dist - Gaya, Bihar, 823002.
- 149 Agam Priyadarshi son of Jay Prakash Pandit, Resident of Binod Pandit Near Allahabad Bank, Keshopur, P.O and P.S - Jamalpur, Dist - Munger, Bihar - 811214.
- 150 Santosh Kumar, Son of Manoj Kumar Singh, Resident of Vill - Bara, P.O - Khakshi, P.S - Gwalpara, Dist - Madhepura, Bihar - 852220.
- 151 Shweta Kumari, Daughter of Rabindra Prasad Sharma, Resident of Flat No 8E/152, Bahadurpur Housing Colony, Sector - 8, P.O - B.H. Colony, P.S - Agamkuan, Dist Patna, Bihar - 800026.
- 152 Abhinay Kumar Son of Raj Narayan Prasad Resident of Vill - Sitalpatti, P.O - Dhaka, P.S - Chiraiya, Dist - East Champaran, Bihar - 845418.
- 153 Nitish Kumar Son of Lt. Vakil Prasad, Resident of Vill - Supauli, P.O - Itwa, P.S - Pachrukhi, Dist - Siwan, Bihar - 841241.
- 154 Shalini Daughter of Ram Ishwar Prasad, Resident of - 63/37 Kusumpuram Colony, Gola Road, Danapur, Dist - Patna, Bihar - 801503.
- 155 Shriram Kumar Gupta Son of Sanjay Kumar Gupta, Resident of Vill and P.O.and P.S. - Bikramganj, Dist - Rohtas, Bihar - 802212.
- 156 Pratishtha Daughter of Sunil Kumar Jhanjhariwal, Resident of Sewari Sewak Sadan Sadipur, P.O. - Munger, P.S- Kotwali, Dist - Munger, Bihar - 811201.
- 157 Neha Kumari, Daughter of Nawal Kishore, Resident of Naya tola Gumti No - 2, Bhikanpur, P.O - Bhagalpur, P.S - Ishakchak, Dist - Bhagalpur, Bihar - 812002.



- 158 Raj Verma Son of Dayanand Lal Das, Resident of Near Durga Mandir Basantpur, P.O. and P.S.- Birpur, Dist - Supaul, Bihar - 854340.
- 159 Priti Kumari Daughter of Anil Prasad, Resident of Vill- Akbarpur, P.O and P.S - Asthawan, Dist - Nalanda, Bihar, 803107.
- 160 Sajjan Kumar Son of Rampravesh Kumar, Resident of Vill - Jagdishpur, P.O.and P.S. - Surajgarha, Dist - Lakhisarai, Bihar - 811106.
- 161 Md. Ashar Alam Son of Md. Allauddin Ansari, Resident of village-Patiya, P.O - Nahauna, P.S - Sasaram, Dist - Rohtas, Bihar - 821305.
- 162 Rashmi Kumari D/O - Sunil Kumar Dutta Resident of Vill - Balwapar, P.O. - Kawa,P.S - Hilsa, District - Nalanda (BIHAR) 801302
- 163 Arpita Arya, Daughter of Mohan Pandey, Resident of Prabhat Nagar Colony, ROAD NO -03, HOUSE NO - 3/34, PO-Bhagwanpur, PS- Sadar, Dist- Muzaffarpur, Bihar - 842001.
- 164 Nitya Nayan Daughter of Bijendra Sharma, Resident of Vill - Jankop, PO - Jogiya, PS- Barun, Dist - Aurangabad, Bihar - 824101.
- 165 Prabhat Ranjan Prabhat son of Amarnath Prasad, Resident of Vill - Tulapatti, PO - Parsa, PS- Kisanpur, District - Supaul, Bihar - 852218.
- 166 Surabhi Kumari Daughter of Arbind Sharma, C/o Rajeshwar Singh, Resident of Vill. and PO - Jaitpur, Via-Deohara, PS- Haspura, Dist - Aurangabad, Bihar - 824114.
- 167 Prashant Kumar son of Sanjay Kumar Poddar, Resident of Vill - Teghra Purani Bazar, PO and PS- Teghra, Dist - Begusarai, Bihar - 851133.
- 168 Mukesh Kumar son of Vishwanath Prasad, Resident of Vill.and PO and PS- Dobhi, Dist - Gaya, Bihar - 824220.
- 169 Achint Ranjan, son of Dinesh Prasad Sharma, Resident of 18, Bhagwat Bhawan, Vill.and PO - Supaul, PS- Patory, Dist - Samastipur, Bihar - 844501.
- 170 Nawneet Kumar son of Ajeet Kumar Singh, Resident of 80 Shyama Sadan, Chasma Centre Gali, Magadh Colony, P.O.-Sadaquat Ashram, P.S.-Digha, Dist - Patna, Bihar - 800010.
- 171 Piyush Raj son of Nawal Kishore Vidyarthi, Resident of Vill.and PO - Bishambhrapur, PS- Kalyanpur, Dist - East Champaran, Bihar - 845413.
- 172 Saurav Kumar son of Phulendra Prasad Roy, Resident of Mushtafapur, Cantt. Road, Khagaul, PO and PS- Khagaul, Dist - Patna, Bihar - 801105.
- 173 Chandramani Kumar son of Vinod Prasad, Resident of Vill.and PO - Nekpur, PS- Chhabilapur, Dist - Nalanda, Bihar - 803116.



- 174 Rajnish Kumar, son of Ram Bilas Prasad Singh, Resident of Vill. and P.O.- Cheron, PS- Sarmera, Dist - Nalanda, Bihar - 811104.
- 175 Saurav son of Jitendra Prasad Singh, Resident at Khemnichak, PO and PS- Jaganpura, Dist - Patna, Bihar - 800027.
- 176 Dharmveer Kumar, son of Satyendra Prasad Gupta, Resident of Vill.- Chaturhujpur, PO-Sarhan, PS- Pandarak, Dist - Patna, Bihar - 803214.
- 177 Pushpa Kumari, daughter of Sidhnath Yadav, aged 26 years, Female, Resident of Vill.-Chamandi, PO-Pondil, PS- Kurtha, Dist - Arwal, Bihar - 804421.
- 178 Sarfraz Ahmad son of Shahnawaz Ahmad, Resident of Vill.-Miralipur, PO V.S. Mill, PS- Thawe, Dist - Gopalganj, Bihar - 841428.
- 179 Rahul Kumar son of Atal Bihari Singh, Resident of Vill.and P.O.-Karup, PS- Karakat, Dist - Rohtas, Bihar - 802214.
- 180 Babloo Kumar Mishra son of Badri Narayan Mishra, Resident of Vill.and PO -Korthu, Via-Benipur, PS- Ghanshyampur, Dist - Darbhanga, Bihar - 847103.
- 181 Ankit Kumar son of Jairam Singh, Resident of Vill.-Asoiya, PO - Mirzapur, PS- Marhaurah, Dist - Saran, Bihar - 841419.
- 182 Saurav Suman son of Ajay Kumar, Resident of Vill.and P.O.-Beshwak, PS- Islampur, Dist - Nalanda, Bihar - 801303.
- 183 Vinita Kumari Daughter of Late Girija Prasad, Resident of Vill.and PO- Mandil, PS- Parsbigha, Dist - Jehanabad, Bihar - 804408.
- 184 Abhilash Kumar son of Lakshmi Narayan Singh, Resident of Vill.-Harpur, Ward No. 11, PO-Tilrath, PS- Barauni, Dist - Begusarai, Bihar - 851112.
- 185 Chetan Anand son of Tribhuwan Kumar, Resident of Jaiprakash Nagar, PO and PS and Dist - Khagaria, Bihar - 851204.
- 186 Mukund Kumar son of Shiv Gopal Singh, Resident of Vill.- Mathuri, PO - Dalmianagar, PS- Dehri, Dist - Rohtas, Bihar - 821305.
- 187 Amrit Raj son of Tribhuwan Kumar, Resident of Jaiprakash Nagar, PO and PS and Dist and Khagaria, Bihar - 851204.
- 188 Raman Randhir Verma @ Raman Kumar son of Gopal Prasad Verma, Resident of vill.and PO-Laund, PS-Sirdala, Dist - Nawada, Bihar - 805122.
- 189 Jayanti Ranjan Daughter of Anmesh Singh, Resident of Vill.-Pathak Bigha, PO-Murgaon, PS-Hulashganj, Dist - Jehanabad, Bihar - 804406.
- 190 Prem Kumar son of Ajay Kumar Nirala, Resident of Vill.and P.O.-Gopalbad, PS-Sarmera, Dist - Nalanda, Bihar - 811104.



- 191 Rajesh Kumar Mahto son of Jeevachh Mahto, Resident of Vill.-Pipra
Kamalpur, PO- Alola, PS-Ghoghardiha, Dist - Madhubani, Bihar - 847402.
- 192 Manjeet Raj son of Raj Kumar Roy, Resident of Mohalla-Chakla Nirmali,
P.O.and P.S.and Dist - Supaul, Bihar - 852131.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Secretariate Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
3. The Special Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Visvesvaraya Bhawan, Patna.
5. The Secretary, Road Construction Department, Government of Bihar, Visvesvaraya Bhawan, Patna.
6. The Secretary, Building Construction Department, Government of Bihar, Visvesvaraya Bhawan, Patna.
7. The Secretary, Water Resources Department, Government of Bihar, Patna.
8. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
9. The Additional Chief Secretary, Minor Water Resources Department, Government of Bihar, Patna.
10. The Bihar Public Service Commission, through its Chairman, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
11. The Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Adv with Mr. Pranav Kumar Ms. Shrishti Singh, Advocates
For the State	:	Mr. P.K. Shahi Sr. Adv. (AG) Mr. Manish Dhari Singh AC to AG
For the BPSC	:	Mr. Sanjay Pandey, Adv. Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

**HONOURABLE MR. JUSTICE MADHURESH PRASAD
CAV JUDGMENT**



(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 05-07-2023

Heard learned counsel for the petitioners, learned counsel for the State, learned counsel for the Bihar Public Service Commission (for short ‘ the BPSC’) and learned senior counsel for the intervenor respondents.

2. The petitioners before this Court are applicants in response to four advertisement Nos. 01 of 2019, 02 of 2019, both dated 08-03-2019, and advertisement Nos. 03 of 2019 and 04 of 2019, both dated 13-09-2019, issued by the BPSC inviting applications for appointment to the post of Assistant Engineer (Civil, Mechanical and Electrical) in the different departments under the Government of Bihar. They participated in the selection process, which was conducted, as per Bihar Engineering Service Class-II Recruitment Rules, 2019 (Recruitment Rules, 2019 for short). It is the petitioners’ case that at the time of advertisement the Rule did not prescribe any relaxation of minimum age criteria; or for grant of any weightage/ preference for previous work experience as contractual employees. The written examinations were conducted by the BPSC on different dates for applicants under the four advertisements. Merit lists dated 15.06.2022,



22.06.2022, 19.07.2022, were published for all the four advertisements, wherein, the writ petitioners were declared successful. Thereafter, they were called for document verification by the respondent-Commission and the petitioners' document were verified.

3. One development thereafter has prompted the petitioners to file the instant writ proceedings. The development is issuance of a notification dated 09.11.2022, by the nodal department (Road Construction Department), whereby and whereunder an Amendment was made in Rule 8 and a new Clause; Rule 8 (5) granting weightage and preference to persons working on contractual basis, was added to the Recruitment Rules, 2019 with effect from the date of coming into force of the Rules; i.e., 06.03.2019. Rule 8 (5) of the Recruitment Rules, 2019, reads as follows:-

“8(5) Basis of Selection- (i) The Selection for appointment to the posts of Assistant Engineers (Civil/Mechanical/Electrical) in the basic category of Assistant Engineer (Civil/Mechanical/Electrical) cadre shall be made by the Commission after calculating The marks obtained in the competitive examination conducted by the Commission and the preference of work done on the contract basis. The work



experience of all government/non-private (central government, panchayat, municipal bodies etc.) offices/ institutions under the State of Bihar shall be valid for the preference of work done on contract basis. Candidates having experience of working on the post of Assistant Engineer (Civil/Mechanical/Electrical) on contract basis, who fulfill the essential qualifications for the recruitment in this cadre, shall be given preference in selection by giving additional marks according to sub-rule (ii) of this Rule.”

4. The preference was made applicable to the four recruitment processes where the petitioners had participated. Petitioners have thus assailed the notification dated 09.11.2022, bearing No. 5565 (S) whereby and whereunder, the Recruitment Rules, 2019 have been amended with effect from 06.03.2029, i.e., the date of coming into force of the Recruitment Rules, 2019.

5. The learned senior counsel for the petitioners, assailing the validity of the amendment to the Recruitment Rules, 2019 under impugned notification dated 09.11.2022, submits that the amendment with retrospective effect is unsustainable. The original Rule or the advertisements, in



response to which, the petitioners have applied did not contain any provision for grant of any kind of weightage/preference to those working on contract basis. When the petitioners made their applications, there was no such clause giving any kind of weightage/ preference. They have already participated in the selection process and provisional select lists dated 15.06.2022, 22.06.2022 & 19.07.2022, Annexure 2 series has also been published, wherein, the petitioners names figure.

6. After qualifying in the written tests, their documents have also been verified. The impugned notification issued thereafter amounts to changing the Rules of recruitment process after valid rights have been created in the petitioners' favour. Such change in the Rules, after provisional select list, is impermissible.

7. The policy, guidelines and procedure contained in resolution dated 22.01.2021 was issued by the General Administration Department, much after issuance of the four advertisements, in response to which, the petitioners applied. Prior to this date, there was no such policy. Even, this policy provided for grant of weightage/ preference during regular employment against only those posts, on which post, the contractual employee had worked. The grant of weightage/



preference in regular appointment process, to all contractual employees irrespective of the post on which they have worked on contract basis, as per impugned notification dated 09.11.2022, therefore, is clearly unsustainable.

8. It is also submitted that the persons working on contract basis, form a class unto themselves. The petitioners are not contractual employees, and form a distinct class. Both are, thus, unequals. The impugned notification, therefore, is violative of Articles 14 and 16 of the Constitution of India inasmuch as these two distinct classes are being treated at par in the matter of recruitment, which is wholly impermissible.

9. The Amendment is also assailed by submitting that Rule- 12 of the Recruitment Rules, 2019 and Appendix- 1, to the Rule regarding allocation of marks has not been amended. In its unamended existing form, it contains a method of allocation of marks, which cannot be reconciled with sub-Rule- 2 of the impugned notification, which deals with grant of additional marks in lieu of weightage for work experience. The prescription for grant of marks for preference/ weightage to contractual employees is unworkable.

10. The learned senior counsel, in support of his contention, that the Amendment could not be permitted to have



retrospective effect has referred to decisions of the Apex Court in the case of *Jayam and Company vs. Assistant Commissioner and Anr.* reported in (2016) 16 SCC 125, *Chairman, Railway Boards and Ors. vs. C.R. Rangadhamaiah & Ors.* reported in (1997) 6 SCC 623. In support of his submission that by resort to delegated legislation under the proviso of Article 309 of the Constitution of India, the Authorities could not take away the rights accrued in favour of the petitioners by virtue of their being empanelled in the provisional select list; and after their documents have also been verified in the process of selection, he has relied upon decisions of the Apex Court in the case of *Prakash Chandra Meena and Ors. Versus State of Rajasthan and Ors.* reported in (2015) 8 SCC 484 and *Moti Ram Deka vs. General Manager, North East Frontier Railway*, reported in *AIR 1964 SC 600*.

11. Lastly, it is submitted that the Authorities have issued the impugned notification in exercise of power of delegated legislation under the proviso to Article 309 to the Constitution of India, which cannot be invoked to bring about an amendment to the Rule with retrospective effect.

12. The impugned notification, is unsustainable in the eyes of law, and also causing grave prejudice to the petitioners.



The same is, thus, fit to be quashed.

13. Learned Advocate General made submissions on behalf of the State Government. He submits that since the State Government has been making recruitment on contract basis for some time throughout the establishment, a policy decision was taken to give weightage to all contractual employees during regular recruitment process. This policy was recognizing the services offered by persons working on contractual basis in the State Government, who had been appointed through a legal process. It was not to be extended to illegal appointees, daily wagers or those serving through outsource agent/s.

14. As per the resolution dated 18.07.2007, bearing Memo No. 2401 issued by the General Administration Department only those contractual employees who were appointed against sanctioned post, possessed the requisite qualifications for the post, duly advertised and whose recruitment was made through a selection/ screening committee through proper recruitment process were considered eligible for grant of weightage/preference. It also required the contractual appointment to be by the Competent Authority and after following the principles and roster for reservation. Since the Recruitment Rules, 2019 had overlooked the existing policy, the



impugned Amendment notification dated 09-11-2022 was necessitated. It is, thus, only rational that the Amendment has been made effective from the date of framing of the Rule.

15. The writ petitioners, till date are only applicants. By virtue of their participation in the selection process, publication of provisional select lists or their document verification, no indefeasible right has been created in favour of the petitioners. The petitioners, therefore, cannot contend that they have suffered any prejudice by the impugned Amendment. There is no question of infringement of any right of the petitioners. The policy of giving weightage/ preference, including age relaxation to contractual employees, is very old now in the establishment and is being uniformly extended to regular recruitment process.

16. Learned Advocate General has placed reliance on the several earlier policy decisions in recognition of services rendered by contractual employees as contained in resolutions dated 17.09.2018 (Annexure- 7) bearing No. 12534 as also the resolution dated 22.01.2021(Annexure-8), bearing No. 1003, and resolution dated 21.05.2013 (Annexure-9) all issued by the General Administration Department.

17. While framing the new Rule- 8(5), additional safeguard has been provided to ensure that the grant of



weightage or age relaxation is objective, rationalized and after due authentication by the controlling officer concerned. He has asserted that Rule 12 of the Recruitment Rules, 2019 or Appendix- 1 thereof, does not militate against any provision under the impugned amendment. It is very much workable for providing weightage to persons, who have rendered service on contractual basis in the Government establishments.

18. It is also submitted that the petitioners challenge is directed against a matter of executive policy. The Courts have consistently refrained from exercising their extraordinary discretionary jurisdiction to interfere in such policy matters, but for very limited grounds. In the instant case, no grounds whatsoever, have been made out by the petitioners for assailing the policy. The writ petition should, thus, be dismissed.

19. Learned Advocate General, in support of his submissions has relied upon decisions of the Hon'ble Apex Court in the case of ***State of Uttar Pradesh versus Karunesh Kumar and Ors.*** (2022 SCC Online SC 1706), Full Bench decision of this Court, in the case of ***Krishna Pratap Singh versus State of Bihar*** reported in 2017 (3) PLJR 642, decision of the Hon'ble Apex Court in the case of ***CMD/Chairman, Bharat Sanchar Nigam Limited and Ors. versus Mishri Lal***



and Ors. reported in ***(2011) 14 SCC 739.***

20. The learned Advocate General, thus, sums up his submission by saying that grant of weightage or age relaxation is only in furtherance of a policy pre existing the issuance of the advertisements in question in the year 2019. The Amendment is not retrospective, rather it has been made effective from the date of coming into force of the recruitment Rules, 2019. The petitioners cannot claim any prejudice, as no right has accrued in their favour in the process of selection. In fact, if the persons, who have rendered services in the State Government on contractual basis after having been appointed in accordance with law, after due advertisement against sanctioned post and by the Competent Authority etc., were to be left out in the process of regular appointment, the same would be opposed to the expected conduct of the State as a model employer. The Court should, therefore, not interfere in the impugned notification.

21. On consideration of rival submissions on law as also the facts as emerging from the pleadings and submissions advanced by the learned counsels, this Court finds that grant of weightage/ preference under the impugned Amendment notification is in furtherance of a policy of the year 2018, which is pre existing the issuance of advertisements in-question. This



Court would also find that no right has accrued in favour of the petitioners in the process of selection. They have merely participated in the process, which process has not attained finality in favour of the petitioners. The policy for grant of weightage/ preference is founded on relevant and genuine consideration recognising services rendered by persons in the contractual establishment. The policy of weightage/ preference has been made applicable to such contractual employees whose appointments have been made in accordance with law, after due advertisement and following the reservation policy and roster etc., by a competent selection committee. If the services rendered by such persons for years in the contractual establishment is to be ignored altogether, we are in agreement with the learned Advocate General that the same may possibly be considered as being opposed to the concept of State as a model employer. The genuineness and *bona fides* of the policy for granting weightage/ preference, therefore, in the opinion of this Court cannot be doubted in any way.

22. This Court would also observe that the weightage/ preference granted under the impugned Amendment notification, while giving advantage to the contractual employees, in proportion to the number of years served in the



contractual employment, does not altogether exclude others from the selection process. The weightage/ preference is limited to maximum 25 marks on a scale of 100, based on 5 marks for each year, for maximum of 5 years. Whether such weightage would result in a person being selected over and above another, who has never served in the contractual employment, would still depend upon the marks obtained by the contractual employee, with reference to his performance for the remaining 75 marks out of 100. The policy, therefore, does not exclude the element of competition. The advantage, therefore, has a rational basis, recognising the services rendered by persons working in the contractual establishment who form a separate and distinct class, from the others, who have never served in the Government. This is for the simple reason that they have put in years of service in the contractual employment, which the State is, in the opinion of this Court justified in recognising. Another relevant consideration is that the State would only benefit from the experience and expertise gained by those who have already served for years in the contractual establishment. This expertise is an additional attribute possessed by those working on contractual basis, which the petitioners do not possess. The grant of weightage therefore cannot be said to be discriminatory.



23. The beneficiaries have also entered the contractual establishment after due compliance with Articles 14 and 16 of the Constitution of India, as a result of a process of selection with due advertisement, following the principles and roster for reservation and by a competent selection committee after fulfillment of requisite qualifications. The policy for granting weightage/ preference, therefore, in our opinion does not suffer from any infirmity whatsoever.

24. The above findings take us to the next issue, whether the Amendment notification can have retrospective effect, or not. In this connection, this Court would consider the decisions of the Apex Court in the case of *K. Nagraj & Ors. vs. State of Andhra Pradesh & Anr.* reported in *1985 1 SCC 523*.

25. Other judgments of the Hon'ble Apex Court reported in the case of *State of Uttar Pradesh versus Karunesh Kumar and Ors.* (2022 SCC Online SC 1706), Full Bench decision of this Court, in the case of *Krishna Pratap Singh versus State of Bihar* reported in *2017 (3) PLJR 642, CMD/Chairman, Bharat Sanchar Nigam Limited and Ors. versus Mishri Lal and Ors.* reported in *(2011) 14 SCC 739*. relied upon by the Advocate General also support the State action of retrospective insertion of Rule 8 (5) by the Amendment notification. It is clear



from the above noted pronouncements of the Hon'ble Apex Court that the impugned Amendment notification, can very well be having retrospective operation since power to legislate includes the power to legislate with retrospectivity; as long as it does not take away substantial vested rights, and the retrospective application is explicit from the Rule. The Rules in question was framed under the proviso to Article 309 of the Constitution of India, and in the instant case are also in exercise of legislative powers under the Constitution of India; and not Rule making power under any Statute. The Apex Court, in the above noted judgments, has held retrospective operation of such Rules, as in the instant case to be permissible.

26. The decisions of the Hon'ble Apex Court relied upon by the learned Advocate General merits favourable consideration in the facts and circumstances of the instant case.

27. The decisions relied upon by the learned counsel appearing for the petitioners, no doubt contain binding expressions on legal principles, but for the above noted reasons, are not applicable to the facts and circumstances of the instant case.

28. In the case of *Jayam and Company* (supra), the Hon'ble Apex Court found vested right have been created in



favour of the dealers/ assessee, in respect of purchases and sales made by them in between 01.01.2007 to 19.08.2010. In this period, the dealer/ assessee was entitled to Input Tax Credit (for brevity 'ITC') of Rs. 10/- on resale, which was paid by the dealer as Value Added Tax (for brevity 'VAT'), while purchasing the goods from the vendors. After the Amendment, the dealer would be entitled to ITC of Rs. 9.50/- only. Such new provision made for the first time was to the detriment of the dealers, since vested right had already accrued in their favour, with respect to earlier purchase and sales. It is in this context that the Hon'ble Apex Court had struck down the Amendment Act 22 of 2010 to the Tamil Nadu VAT Act, 2006 only insofar as its retrospective effect was concerned.

29. Even in the case of ***CR. Rangadhamaiah & Ors.*** (supra), the Hon'ble Apex Court dealt with the issue of retrospective Amendment. The Hon'ble Apex Court, in the said judgment, dealt with the law as to what would be treated as an accrued or vested right. Having done so, it has further proceeded to declare that retrospective operation of a Rule would be vulnerable to attack, if it seeks to reverse from an anterior date, a benefit, which has been granted or availed; such as promotion or pay-scale. In such circumstances, it has held that



retrospectivity is open to attack on the grounds of violation of Articles 14 & 16 to the Constitution of India. In the instant case, this Court does not find that any vested right had accrued in favour of the petitioners, and therefore, the instant case is factually distinguishable from the case of ***CR. Rangadhamaiah & Ors.*** (supra). For the very same reason, the other decisions, referred to by the learned senior counsel, in the case of ***Prakash Chandra Meena & Ors.*** (supra) and ***Moti Ram Deka*** (supra), in the opinion of this Court have no application to the facts and circumstances of the instant case.

30. The amendment effected by the impugned notification issued under the proviso to Article 309 of the Constitution of India, providing weightage/ preference to contractual employees, does not in any way change the minimum requisite qualification, or disqualify the petitioners from the process of selection. The giving of additional weightage/ preference, therefore, cannot be said to be a change in the Rules of appointment, prejudicial to the petitioners. Since, Recruitment Rules, 2019, did not take into consideration the existing policy for grant of weightage under the notifications (Annexures 7, 8 & 9) of the General Administration Department, earliest of which is dated 17-09-2018, the impugned amendment notification was



necessitated. Even in this notification, the High Level Committee at recommendation No. 9 of Schedule “Ka” has recommended granting of weightage of contractual employees, which has been accepted by the Government. Therefore, the amendment has been given effect to from the date of publication of the Recruitment Rules, 2019.

31. The Court, would also observe that Rule 12 of the Recruitment Rules, 2019 is not in conflict with Rule 2 of the Amendment notification. The procedure for calculation of marks in recognition of weightage for years of contractual service can very well be applied to the scheme of marks contained in Rule 12 of the Recruitment Rules, 2019, since the 2019 Rules provides for appointment process based on a total 400 marks distribution of maximum 25 (5 marks for each year of contractual service rendered) marks out of each 100 marks is thus very much workable.

32. Thus, in our opinion, submission of the learned Advocate General that Rule 2 of the Amendment notification does not militate against Rule 12 of the Amendment notification, is correct.

33. No case is made out for interfering with the impugned notification dated 09.11.2022, whereby Rule 8 (5) have been



added to Recruitment Rules 2019, with effect from the date of coming into force of the said Rules; 06.03.2019.

34. The writ petition is, thus, devoid of merit and the same is accordingly, dismissed.

(Madhuresh Prasad, J)

I agree
(Chakradhari
Sharan Singh, J):

(Chakradhari Sharan Singh, J)

Shyambihari/
Raj Kishore/-

AFR/AFR	AFR
CAV DATE	24-03-2023
Uploading Date	04-08-2023
Transmission Date	N/A

