

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1170 of 2019

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Parikshit Kumar Rama Nand Roy, resident of Village- Sikandarpur, Police Station- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Agriculture, Bihar, Patna.
2. The Director Agriculture, Bihar, Patna.
3. Bihar Agricultural Management and Extension Training Institute (BAMETI) Bihar, Patna through its Director.
4. The Director, Bihar Agricultural Management and Extension Training Institute (BAMETI) Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 24987 of 2018

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1. Raman Kumar Son of Manoj Kumar Resident of Raman Saree Show Room Rewa Road, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.
2. Priya Ranjan Son of Vidyabhushan Sharma R/o Village- UR. Vishunpur, P/S- Alipur, District- Gaya.
3. Chandraprakash Kumar Son of Ravindra Prasad R/o Village- Muzaffarpur, P.O. and P.S.- Nalanda, District- Nalanda.
4. Gulshan Kumar Son of Bhushan Sharma R/o- Village- Rajendra Nagar, P/s- Nawada, District- Nawada.
5. Vicky Singh Son of Manoj Kumar Resident of Village and P/s- Nawada, District- Nawada.
6. Rahul Kumar Son of Sri Jay Narayan Singh Resident of Village- Ilmasnagar, Khanpur, Samastipur-848117.
7. Raman Kumar Son of Sri Om Prakash Paswan Resident of Mohalla- Shanti Nagar, Sabour, Bhagalpur-813210.
8. Raushan Kumar Das Son of Sri Jay Ram Das Resident of Jagatpur, Banka-813103.
9. Ankita Ranjan Daughter of Sri Kapildeo Mahto Resident of Mohalla- Vivek Bihar, Ward No-13, Kashipur, Samastipur-848101.
10. Puja Saini Daughter of Sri Bhola Bhagat Resident of Mohalla- Jaitpur, Pupri Bazar, Janakpur Road, Sitamarhi- 843320.
11. Aroondhaty Choudhary Daughter of Sri Ashwini Kumar Yadav Resident of Gopalpur, Bhagalpur-813210.
12. Dolly Bharti Daughter of Mukesh Kumar Singh Resident of Katahara, Bhagalpur-813213.



13. Puja Anand Daughter of Manik Chand Prasad Resident of Habibpur, Sohsarai, Biharsharif, Nalanda-803118.
14. Vinay Kumar Son of Suyodhan Prasad Resident of Barwa, Sirsia, West Champaran-845101.
15. Prakash Kumar Gaurav Son of Satyendra Sharma Resident of Ward No-6, Narsanda, Daulatpur Milki, Nalanda-803110.
16. Mantun Kumar Son of Arun Kumar Singh Resident of Village- Mehsi, Samastipur-848160.
17. Ranjeet Kumar Ranjan Son of Kameshwar Rai Resident of Ward No-8, Harpur Pusa, Samastipur-848125.
18. Saurabh Samir Son of Satyendra Kumar Pandey Resident of New Area Yamuna Path Nawada Near Town Thana Gondapur, P.S. Nawada, District- Nawada.
19. Gulshan Kumar Son of Jay Bind Singh Resident of Pakri Gaya, P.S. Fatehpur, District- Gaya.
20. Navlesh Kumar Son of Gulab Singh Resident of 11, Kendua Akauna Minhal, P.S. Mufasil, District- Nawada.
21. Himanshu Kumar Son of Umesh Prasad Singh Resident of Village- Dola, Dhewadha Chhatarwar, P.S. Basudevsnagar, District- Nawada.
22. Uday Raj Patel Son of Mahesh Prasad Mandal Resident of Village- Hamnagar (Aguwani) Banmankhi, P.S. Sarsi, District- Purnia.
23. Aditya Kumar Son of Munil Kumar Singh Resident of Village- Malpur Baraipura, P.S. Chaurahi O.P., District Begusarai.
24. Nitu Raj Daughter of Rajendra Mehta Resident of Village- Ward No- 18 Dibiyahi Chhit, P/s- Pipra, District- Supaul.
25. Swati Priya Daughter of Sudhir Kumar Singh Resident of Ram Nagar Nawada Gondapur, P.S.- Nawada, District- Nawada.
26. Anand Singh Son of Manoj Kumar Singh Resident of Village 55, Lohanipur, Rewai, Tekari, P/s- Tekari, District- Gaya.
27. Abhishek Kumar Son of Ajay Kumar Sah Resident of Mohalla- Shobhaganj, P/s- Sasaram, District- Rohtas.
28. Ashutosh Son of Devinandan Prasad Resident of Village- Bare, P/s- Bhabua, District- Kaimur (Bhabua).
29. Raghvendra Kumar Son of Birendra Kumar Roy Resident of Village- Mahmadpur Deopar, P.S. Pusa, District- Samastipur.
30. Archana Kumari Daughter of Ashok Kumar Gupta Resident of- Janta Floor and Mill, Gola Bazar Sherghati, P/s- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principle Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Director of BAMETI Bihar, Patna.



... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1032 of 2019

1. Gaurav Kumar Son of Sanjeev Kumar Resident of Village- Latwar- Post-Bhadsheni, P/S- Hisua, District- Nawada, Complain No. CLA0000339
2. Raushan Kumar Son of Ramanuj Singh Resident of Village- Lohanipur, P/O- Rewai, P/S- Tekari, District- Gaya.
3. Priyanka Kumari Daughter of Devinandan Prasad Resident of Village- Bare, P/S- Bhabhua, District- Kaimur, Complain No. CLA0000576.
4. Malya Rajbabbar Son of Ajay Kumar Yadav Resident of Village- Itra, Post Office- Cherki, P/S- Cherki, District- Gaya, Complain No. CLA0000199.
5. Baban Kumar Son of Deep Narayan Choudhary Resident of Village- Nirpur, Post Office- Dhankual, P/S- Patepur, District- Vaishali, Complain No. CLA0000527.
6. Suman Kumar Son of Haridwar Mahto Resident of Village- Alawalpur, Post Office- Naubatpur, P/S- Naubatpur, District- Patna. Complain No. CLA0000435 (BTM), CLA0000436 (ATM).
7. Nikesh Kumar Son of Ram Sudin Prasad Singh Resident of Village- Ekdara, Post Office- Boriya, P/S- Bibhutipur, District- Samastipur, Complain No. CLA00005111.
8. Hare Ram Son of Arvind Kumar Singh Resident of Village- Katridih, P/O and P/S- Katrisarai, District Nalanda, Complain No, CLA0000339.
9. Aniket Kumar Son of Suresh Kumar Rai Resident of Village and Post-Harapur Pusa, P/S- Pusa, District- Samastipur, Complain No. CLA0000655.
10. Nivedita Kumari Daughter of Sanjay Trivedi Resident of Village and Post-Harapur Pusa, P/S- Pusa, District- Samastipur, Complain No. CLA0000344.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Agriculture Department, Government of Bihar.
2. The Director of (BAMETI) Bihar Agriculture Management and Extension Training Institute.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1170 of 2019)

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Respondent/s : Mr. Awanish Nandan Sinha, GP-21

(In Civil Writ Jurisdiction Case No. 24987 of 2018)

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

For the Respondent/s : Mr. Dhurjati Kr. Prasad, Advocate

(In Civil Writ Jurisdiction Case No. 1032 of 2019)

For the Petitioner/s : Mr. Anil Kumar, Advocate



For the Respondent/s : Mr. Dhurjati Kr. Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-12-2024

Heard the parties.

2. The petitioners in all the batch of these writ petitions have approached before this Court seeking quashing of the Clause-2.1 of the advertisement dated 11.12.2018, as far as cut off date 01.01.2018, mentioned therein is concerned, on the ground that it arbitrarily and without any valid reasons restrains the petitioner from filling up online form despite having requisite qualification and degree for the post of Technical Assistant given at serial no. 4 of Clause-2.1 of the advertisement. The petitioner also sought a direction upon the respondent authorities to permit the petitioners to fill up online forms for the post of Assistant Technical Manager, who are having all the requisite qualification, including the degree of B.Sc. Agriculture.

3. The matter was taken up by this Court on 04.01.2019. Considering the averments made in the writ petition, though this Court did not find any anomaly with the fixation of cut off date or with the fixing of the maximum age limit for the purposes of making application for appearing in the examination for respective posts for which examination was to



be undertaken. However, the Court considering the difficulties in directing for acceptance of the application forms of the petitioners, who were less than 55 years of age as on 01.01.2018, only on the ground that the advertisement clearly stipulated that the applications were to be accepted online. Irrespective of the fact that the advertisement was issued on 11.12.2018 and the last date for acceptance of the forms was fixed on 5th of January, 2019, giving very little time for the applicants as also for the department to make rectification in the design of the website. The Court had directed for the acceptance of the forms of the petitioners manually and if such forms is filed to be processed for the purposes of allowing the petitioners to appear in the examination. It was also made clear that the forms of the petitioners shall be accepted and processed but acceptance and processing shall be subject to the outcome of the present writ petitions.

4. Pursuant to the direction of this Court, the petitioner and other applicants, whose forms were not accepted through the online, approached before the authorities concerned and filled the form manually and their forms were duly accepted and processed. Some of the identically situated candidates, who were also found aggrieved on account of their non-acceptance of



the online form, they have also approached before this Court by filling up different intervener application, which also came to be allowed vide order of this Court dated 25.01.2019.

5. Mr. Uday Prakash Sharma, learned Advocate for the petitioners contended that so far the grievance of the petitioners with regard to the acceptance of offline forms and its process, the same has already been done. However, with respect to one intervener applicant, namely, Aditya Kumar, who was one of the intervener applicant in I.A. No. 85 of 2019, which came to be allowed by the order of this Court, as aforementioned, has also filed offline form and after acceptance of his form, the respondents organized counseling in each district and thereafter, a final merit list was prepared for each districts. The candidates, who finds position in the final merit list were allowed to join the post, irrespective of the fact that whether they had applied online or offline. Instances have also been shown that the candidates, who were allowed to fill up offline form, pursuant to the order of this Court, has been allowed to join post of Technical Manager.

6. In order to support the aforesaid contention, photo copies of the two of the office orders have also been brought on record by filing a fresh interlocutory application bearing I.A.



No. 07 of 2024. It is further contended that irrespective of the fact that the petitioner was allowed to fill up forms offline vide order dated 25.01.2019 in I.A. No. 85 of 2019 and has secured first position in the second final merit list of the district of Katihar. The District Magistrate, Katihar has taken a decision vide Memo no. 487 dated 11.07.2022 to keep one post on hold for the intervener petitioner (Aditya Kumar) till pendency of the instant writ petition. Adverting to the aforesaid facts, learned Advocate for the petitioner, thus, contended that despite the intervener applicant having been declared qualified for the post of Technical Assistant, he has not been accorded appointment letter on the pretext of pendency of the instant writ petition.

7. On the other hand, learned Advocate for the State submits that if the intervener applicant in I.A. No. 85 of 2019 has been declared qualified and he is otherwise found fit to be appointed, in such circumstances, his candidature may be accepted like other candidates, whose offline applications were accepted, pursuant to the order of this Court and later on, on being found successful, appointment letters have been issued.

8. Having heard the learned Advocate for the respective parties and considering the fair submission of the learned Advocate for the State, this Court deems it apt and



proper to dispose off the writ petitions, including the I.A. No. 07 of 2024 in relation to Aditya Kumar, directing the District Magistrate, Katihar to issue appointment letter in favour of the intervener applicant (*Aditya Kumar*) as has been issued in favour of the other similarly situated persons, whose forms were also accepted manually, pursuant to the direction of this Court, and later on, on being found successful appointment letter has been issued.

9. With the aforesaid direction, all the writ petitions stand disposed off.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2024
Transmission Date	NA

