

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1264 of 2024

In
Civil Writ Jurisdiction Case No.1386 of 2021

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1. Amit Kumar Ajad Son of Sri Shiv Shankar Yadav Resident of Mohalla-Laxmipuri, Ward No.-14, P.S. and Town and District- Madhepura.
 2. Ritesh Kumar, Son of Jagan Prasad Yadav Resident of Village- Godhailya, P.S.- Madhepura, District- Madhepura.
 3. Kumar Suryamani, S/o Arvind Singh Resident of Village and P.O.- Apasrah, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Special Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Director of Land Records and Survey, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mrs. Shashipriya, Advocate Mrs. Arya Achiatya, Advocate Mr. Shashank Shekhar, Advocate Mr. Amar Shakti, Advocate Mrs. Karishma, Advocate
For the Respondent/s	:	Mr. Additional Advocate General (12)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 03-03-2025

Re: Interlocutory Application No. 01/2024

The learned counsel for the appellants presses the aforementioned interlocutory application for condoning the delay of 135 days in filing the present appeal.



2. For the reasons stated in the interlocutory application, the delay of 135 days in preferring the present appeal, is condoned.

3. The Interlocutory Application No. 01/2024 stands allowed.

L.P.A. No. 1264/2024

4. Heard Ms. Nivedita Nirvikar, the learned Senior Advocate for the appellants and the learned counsel for the State.

5. The challenge to the judgment of learned Single Judge is primarily on the ground that when the impugned judgment was passed, it appeared to be in favour of the appellants but ultimately the respondents, while working out the entire process of recruitment, published result in which the appellants' name did not figure and only then it was realized that there was an observation in the judgment which went against them.

6. We are afraid whether an appeal could be filed by the appellants in such circumstances.

7. It appears that the appellants were in contractual appointment in the Department of Revenue and Land Reforms and were posted as Special Survey Assistant Settlement Officers.

8. Sometimes later, an advertisement was



issued for regular appointment indicating minimum educational qualifications and weightage in appointment. Later, there was some changes in such requirement requiring all candidates to be given weightage, which was to the advantage of the appellants as they had been under contractual appointment.

9. The issue came up before the learned Single Judge who in paragraph No. 54 of the judgment clearly observed that subsequent decision taken by the respondents/State to allot 20 marks to all the candidates was a classical example of changing the rule of the game.

10. However, the Court expressed its reservation in accepting the contention of the appellants/the writ petitioners therein that subsequent direction of submission of at least one document had changed the rule of the game.

11. At the end of the assessment, it was observed by the learned Single Judge that fairness on the part of the selection process would be considered as to whether the candidates were given due weightage for their past experience or not.

12. This order was passed despite the learned Single Judge having taken note of the submission on behalf of the State that the entire recruitment process on the basis of Advertisement No. 03 of 2019 had been



concluded which could not have been re-opened.

13. The operative portion of the judgment impugned reads as hereunder:-

“57. Having due regard to the facts and circumstances and in view of what has been stated above, the Respondent No. 3 is directed to reconsider the final select list prepared for the post of Special Survey Assistant Settlement Officer and recast the aggregate on the basis of marks obtained by a candidate in the selection test and marks/points obtained by each candidate as per past work experience and then come to a finding as to whether the petitioners are entitled to be selected on the post of Special Survey Assistant Settlement Officer. If the petitioners are found to be eligible for selection and posting after reconsideration of their aggregate marks/points and they are entitled to get for each year’s work experience, they would be appointed for the post of Special Survey Assistant Settlement Officer from the future vacancy without disturbing the selection of the candidates who have already been appointed.”

14. In the light of the aforementioned direction, the entire process was reviewed and result was published in which the names of the appellants never figured.

15. The appellants now cannot complain that because of the observation of the learned Single Judge in



the earlier part of the judgment impugned could not be understood, therefore, the present appeal has been filed challenging the same.

16. As already noted, the recruitment process is over after taking into account the observations made by the learned Single Judge.

17. If the appellants are aggrieved in any manner whatsoever, they can approach the appropriate forum for the needful.

18. There is no merit in this appeal and the same is thus dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Harsh/ Sunil

AFR/NAFR	
CAV DATE	N.A
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Transmission Date	N.A

