

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8379 of 2020

Ravi Raj

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Advocate

Mr. Aditi Hansaria

For the Respondent/s : Mr. Ravi Verma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-10-2020 Let the State Counsel file counter affidavit by Friday
(16.10.2020) after due service of copy thereof (soft or hard) on
the petitioner's Counsel by Friday.

Matter be listed on 20.10.2020.

If so required, the petitioner may rejoin the averments
in the counter affidavit in the meantime.

(Madhuresh Prasad, J)

SNkumar/-

U			
----------	--	--	--



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8379 of 2020

1. Ravi Raj S/o Shambhu Prasad Gupta R/o At- Chandmari Ekauna Math Near Ideal Public School (Motihari), P.O.- Motihari, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
2. Vikas Kumar S/o Nand Kumar Singh R/o Village- Manjhariya, P.O.- Sapahi, P.S.- Turkaulia, District- East Champaran, Pin Code- 845437.
3. Neeraj Kumar S/o Mohan Prasad R/o Village- Pataura, P.O.- Pataura, P.S.- Muffasil Motihari, District- East Champaran, Pin Code- 845401.
4. Sumant Kumar S/o Ramnagina Singh R/o Village- Jaisinghpur Chiutahi, P.O.- Jaisinghpur, P.S.- Turkaulia, District- East Champaran, Pin Code- 845437.
5. Ravish Kumar S/o Ashok Prasad C/o Patel Niwas Behind of Custom Office Belbanwa (Motihari), P.O.- Motihari, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
6. Satish Kumar S/o Harihar Ram R/o Village- Bairiya, P.O.- Enarawa, P.S.- Ramgharwa, District- East Champaran, Pin Code- 845433.
7. Indal Thakur S/o Baidhnath Thakur R/o Village- Mirzapur, P.O.- Mirzapur, P.S.- Patahi, District- East Champaran, Pin Code- 845457.
8. Gaurishankar Kumar S/o Manoj Das R/o Village- Ghorasahan Near of Middle School, P.O.- Ghorasahan, P.S.- Ghorasahan, District- East Champaran, Pin Code- 845303.
9. Sonu Kumar S/o Ravindra Singh R/o Village- Nimuia, P.O.- Turkaulia, P.S.- Turkaulia, District- East Champaran, Pin Code- 845437
10. Kumar Aditya S/o Mukesh Kumar Shukla R/o Village- Kolhuarwa Ward No- 01 Kumari Devi Chowk Adityakriti Communication Near St. Geogres High School, P.O.- Motihari, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
11. Sunny Kumar S/o Maheshwar Nath Prasad R/o At- Baniyapatti Near Ghanki Dhaja, P.O.- Motihari, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
12. Abhay Kumar S/o Rabindra Kumar Singh R/o Village- Sarottar, P.O.- Sarottar, P.S.- Dumariya Ghat, District- East Champaran, Pin Code- 845423.
13. Siyanandan Kumar S/o Shankar Paswan R/o Village- Barashankar, P.O.- Barashankar, P.S.- Patahi, District- East Champaran, Pin Code- 845457.
14. Rojadin Ansari S/o Nasrudin Ansari R/o Village- Parsa, P.O.- Bahlolpur,



- P.S.- Dhaka, District- East Champaran, Pin Code- 845418.
15. Maneesh Kumar S/o Maujelal Prasad R/o Village- Siraha, P.O.- Siraha, P.S.- Pakaridyal, District- East Champaran, Pin Code- 845414.
 16. Amit Kumar S/o Surendra Sah R/o Village- N.P. Sheohar, P.O.- Sheohar, P.S.- Sheohar, District- Sheohar, Pin Code- 843329.
 17. Pankaj Kumar Yadav S/o Uday Kumar Yadav R/o Village- Dumariya, P.O.- Dumariya, P.S.- Mohammadpur, District- Gopalganj, Pin Code- 841423.
 18. Shri Bhagwan Rai S/o Shree Bhadi Rai R/o Village- Dumariya, P.O.- Dumariya, P.S.- Mohammadpur, District- Gopalganj, Pin Code- 841423.
 19. Ravindra Kumar S/o Kishori Pandit R/o Village- Batrauliya, P.O.- Madhubani Ghat, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
 20. Sonu Kumar S/o Prabhu Singh R/o Village- Jaisinghpur Pulwaghat, P.O.- Khirwa, P.S.- Turkaulia, District- East Champaran, Pin Code- 845437.
 21. Meraj Ahmad S/o Abdul Kalam R/o Village- Chikpatti, P.O.- Motihari, P.S.- Motihari, District- East Champaran, Pin Code- 845401.
 22. Pappu Kumar Ram S/o Upendra Ram R/o At- Jaisinghpur Babutola, P.O.- Bahurupiya, P.S.- Turkauliya, District- East Champaran, Pin Code- 845437.
 23. Lalbabu Kumar S/o Yogendra Singh R/o Village- Near Girls High School Naya Tola Turkaulia, P.O.- Turkaulia, P.S.- Turkaulia, District- East Champaran, Pin Code- 845437.
 24. Deepak Kumar Prasad S/o Rajhosil Prasad R/o Village- Bishunpurwa, P.O.- Bibi Bankatwa, P.S.- Bathuwariya, District- West Champaran, Pin Code- 845101.
 25. Suraj Kumar Ram S/o Yoegendra Ram R/o Village- Baswariya, P.O.- Pataura, P.S.- Muffassil Motihari, District- East Champaran, Pin Code- 845401.
 26. Lalendra Kumar S/o Shankar Prasad R/o Village- Alisherpur, P.O.- Jihuli, P.S.- Patahi, District- East Champaran, Pin Code- 845427.
 27. Guddu Kumar Paswan S/o Ram Prasad Paswan R/o Village- Madhuban, P.O.- Madaanpur, P.S.- Bahadurpur, District- Darbhanga, Pin Code- 847101.
 28. Vikash Kumar S/o Shivchandar Paswan R/o Village- Karmawari, P.O.- Karmawari, P.S.- Paroo, District- Muzaffarpur, Pin Code- 843107.
 29. Ramesh Kumar S/o Brindalal Singh R/o Village- Manjhariya, P.O.- Sapahi, P.S.- Turkauliya, District- East Champaran, Pin Code- 845437.



30. Madan Prasad S/o Prabhu Prasad R/o Village- Loknathpur, P.O.- Katahan,
P.S.- Motihari Muffsil, District- East Champaran, Pin Code- 845401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Mission Director, Bihar Administrative Reforms Mission Society, General Administration Department, Government of Bihar, Patna.
3. The Additional Mission Director, Bihar Administrative Reforms Mission Society, General Administration Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Deputy Collector (Establishment), East Champaran, Motihari.
6. The District Development Commissioner, East Champaran, Motihari.
7. The Officer-in-Charge, RTPS Cell, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nikhil Kr. Agrawal with Mr. Aditi Hansaria,
Advocates.
For the Respondent/s : Mr. Ravi Verma AC to GP-4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and learned counsel for the State respondent.

Learned counsel for the petitioners submits that they



participated in the process of selection for contractual appointment of Executive Assistants pursuant to the District advertisement issued on 10.08.2018. The same contemplated preparation of a panel from which the Executive Assistants were to be appointed on contractual basis as per requirement up-till 20.10.2020.

The State has taken a policy decision that now the selection shall be done by the Beltron centrally and also to enforce and ensure that candidates, who were selected, have cleared the Examination of Data Entry Operator conducted by the Beltron. It is submitted that the petitioners are also willing to better their qualifications by clearing the Examination of Data Entry Operator, and as such, their claim for appointment from the panel prepared pursuant to the District Advertisement dated 10.08.2018 may be considered subject to their acquiring the said qualification.

Learned State Counsel has submitted that the change in policy was required for administrative efficiency. The advertisement itself contemplated that the process of selection could be cancelled and abandoned altogether at any point of time. The petitioners are not in a position to assert that irrespective of the State Government's policy decision for better



administration based on more qualified candidates, those who are less qualified must be selected as Executive Assistants and placed at par with Data Entry Operators, who are more qualified.

Considering the rival submissions, this Court would observe that the prayer of the petitioners for being selected subject to their acquiring higher qualifications may be considered by the Principal Secretary, General Administration Department , Govt. of Bihar, Patna, (respondent no.1).

The petitioners' counsel submits that the petitioners would be approaching the respondent no.1 with such claim by making a detailed representation within a period of three (03) weeks from today. In the event such an application/representation is made, needless to say, that the respondent no.1 would be legally obliged to consider the same and dispose it off by a reasoned and speaking order within a period of six (06) weeks thereafter.

The writ petition stands disposed off in the aforesaid terms.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

