

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20649 of 2021

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1. Kalpana Singh Daughter of Binod Prasad Singh, Resident of Village - Chhoti Rukanpura, Post office- B.V.College, Police Station- Airport, District - Patna, Pin No.- 800014, (Bihar), Registration No.- 2020000262.
 2. Chandan Kumar Madheshiya Son of Late Ramjeet Madheshiya, Resident of Village - Musahari Bazar, Post Office - Musahari Bazar, Police Station- Vijayipur, District - Gopalganj, Pin No.- 841426 (Bihar), Registration No. 2020004018.
 3. Roshan Raj, Son of Gopal Prasad Gupta, Resident of Village - Kharahiya Basti, Ward No.- 13, Post office and Police Station- Araria, District - Araria, Pin Code - 854311, (Bihar), Registration No. - 2020001879.
 4. Rakesh Kumar Roushan, Son of Mathura Ravidas, Resident of Mohalla - Lohartoll, Post Office and Police Station- Islampur, District - Nalanda, Pin Code - 801303, (Bihar), Registration No.- 202001242.
 5. Sandip Kumar Singh, Son of Hartall Singh, Resident of Village - Barasari Jagir, Post Office - Barasari Jagir, Police Station- Maniar, District - Ballia, Pin Code - 277207, (Uttar Pradesh), Registration No. - 2020002663.
 6. Bharg Prasad, Son of Dr. Arun Kumar, Resident of Mohalla - Manglasthan, Post Office - Biharsharif, Police Station- Laheri, District - Nalanda, Pin Code - 803216, (Bihar), Registration No. - 2020003100.
 7. Ajay Kumar Son of Shiodani Prasad, Resident of Mohalla - Dayachak, Post Office and Police Station- Barh, District - Patna, Pin Code - 803213, (Bihar), Registration No.- 2020000551.
 8. Vishal Kant, Son of Late Sarveshwar Prasad Singh, Resident of Village - Rupaul, Post Office - Rupaul, Police Station- Rupaul, District - Purnia, Pin Code - 854204 (Bihar), Registration No. - 2020006496.
 9. Rohit Singh, Son of Dr. Rajendra Prasad, Resident of Village - New Sipara Matkhan, Post Office - Dhelwan, Police Station- Beur, District - Patna, Pin Code - 800020, (Bihar), Registration No.- 2020000354.
 10. Stuty Kumari, Daughter of Subhash Sarkar, Resident of Near SB College, Maulabagh, Ara, Bhojpur, Post Office and Police Station- Nawada, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No. - 2020006312.
 11. Kamlesh Kumar, Son of Raghunandan Singh, Resident of Village - Kanhauli, Post Office and Police Station- Khajauli, District - Madhubani, Pin Code - 847228, (Bihar), Registration No. - 2020004236.
 12. Priyanshu, Daughter of Sitaram Mistry, Resident of Village - Bahadi Bigha, Post Office - Onda, Police Station- Sare, Block - Asthawan, Sub Division- Biharsarif, District - Nalanda, Pin Code - 803107, (Bihar) Registration No.- 2020002884.
 13. Vandana, Daughter of Pawan Kumar Verma, Resident of Village - Malinagar, Post Office - Malinagar, Via - PUSA, Police Station- Chakmehsi, District - Samastipur, Pin Code - 848125, (Bihar), Registration no. - 2020001046.
 14. Chandan Kumar, Son of Shambhu Sharan Singh, Resident of New Area,

- Sheetla Mandir, Dehri-On-Sone, Post Office - Dalmia Nagar, Police Station Dehri, District - Rohtas, Pin Code - 821305, (Bihar), Registration No. - 2020003081.
15. Baleshwar Ray, Son of Ramnath Ray, Resident of Village - Gunrajpur, Post Office - Jaithar, Police Station- Taraiya, District - Saran, Pin Code - 841417, (Bihar), Registrsration No. - 2020002084.
 16. Sarika Kumari Madhu, Daughter of Veenesh Kumar, Resident of Priyadarshi Nagar, Near Bhagwat Milan Mandir, Post Office - B.H. Colony, Bhootnath Road, Police Station- Agamkuan, District - Patna, Pin Code - 800026, (Bihar) Registration No. - 2020000950.
 17. Priyanka Kumari, Daughter of Arjun Singh, Resident of House No. 20, Road No. 2 (Extn), Rajbanshi Nagar, Police Station- LBS Nagar District - Patna, Pin Code - 800023, (Bihar), Registration No. 2020001550.
 18. Mikki Kumari, Daughter of Bal Gangadhar Tilak Sharma, Resident of Village - Binda, Post Office - Binda, Police Station- Mushahari, District - Muzaffarpur, Pin Code - 843119, (Bihar), Registration No. - 2020004043.
 19. Md. Danish Alam, Son of Md. Moqueemuddin, Resident of Village - New Arwal, Post Office - Arwal, Police Station- Arwal, District - Arwal, Pin Code - 804401, (Bihar), Registration No. - 2020005485.
 20. Md. Sabir Ansari Son of Md. Barkat Ansari, Resident of Village - Mansara, Post office - Parta, Police Station- Amba, District - Aurangabad, Pin Code - 824111, (Bihar), Registration No.- 2020005630.
 21. Abhishek, Son of Sri Krishna Yadav, Resident of Colony- Anand Path, Bhikhachak, Post Office - Anisabad, Police Station- Gardanibag, District - Patna, Pin Code - 800002, (Bihar), Registration No.- 2020005348.
 22. Rajesh Kumar, Son of Ram Lochan Sharan, Resident of Village- Ishakchak Near Sarv Mangla Kali, Post Office and Police Station- Ishakchak, District - Bhagalpur, Pin Code - 812001, (Bihar), Registration No.- 2020002001.
 23. Jumbish Arvi, Daughter of Shamim Akhtar, Resident of Khetari Mohalla, Ward No. 24, Ara, Post office - Ara, Police Station- Ara Town, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No.- 2020006040.
 24. Sanjay Kumar, Son of Ram Sagar Prasad, Resident of Village - Kekarha, Post office - Torni, Police Station- Sheosaga, District - Rohtas, Pin Code - 821111, (Bihar), Registration No.- 2020000206.
 25. Rajeev Kumar Ranjan, Son of Pramod Kumar Das, Resident of Village - Lashkari, Post Office- Lashkari, Sub-Divison - Udakishunganj, District - Madhepura, Pin Code - 852220, (Bihar), Registration No.- 2020002655.
 26. Om Prakash, Son of Sudama Paswan, Resident of Village - Chhotki Chenari, Post office - Chhotki Chenari, Police Station- Seosagar, District - Rohtas, Pin Code - 821113, (Bihar), Registration No.- 2020004441.
 27. Shashi Anand, Son of Late Basant Kumar Sinha, Resident of Anand Bhawan, Ward No. 11, Village - Bhouradah, Post office - Bhouradah, Police Station- Bahadurganj, District - Kishanganj, Pin Code - 855101, (Bihar), Registration No.- 2020001903.
 28. Paushan Ara Daughter of Abdul Rauf Ansari, Resident of Village - Chahunta, Post Office - Khuthan, Police Station- Haspura, District -

Aurangabad, Pin Code - 824120, (Bihar), Registration No.- 2020001899.

29. Kumari Renu, Daughter of Rampati Ravidas, Resident of Village - Jondhi Roridih, Post office - Bankey Bazar, Police Station- Bankey Bazar, District - Gaya, Pin Code - 824217, (Bihar), Registration No. - 2020002720.
30. Chitendar Singh, Son of Kedar Singh, Resident of Village - Sarfaraj Nagar Kumhara, Post Office - Karkain, Police Station- Ghoshwari, Via- Sarmera Barh, District - Patna, Pin Code - 803302, (Bihar), Registration No. - 2020000925.
31. Divya Kumari, Daughter of Tripurari Sharma, Resident of East of BSNL Telephone Exchange, Kako Road, Nizamudinpur, Police Station- Jehanabad, Post Office - Jehanabad, District - Jehanabad, Pin Code - 804417, (Bihar), Registration No. - 2020004918.
32. Avinash Kumar, Son of Sri Chhathilal Prasad, Resident of Near Bari Sangat Daulat Ganj, Chapra, Post Office - Chapra, Police Station- Bhagwan Bazar, District - Saran, Pin Code - 841301, (Bihar), Registration No. - 2020003727.
33. Vaibhav Anand, Son of Sushil Prasad Yadav, Resident of Mohanpur, Ward No. - 01, Panchayat - Barahi, Post Office - Hasanpur, Police Station- Madhepura, District - Madhepura, Pin Code - 852128, (Bihar), Registration No. - 2020004383.
34. Indrajeet Kumar, Son of Ram Balak Prasad, Resident of Village - Raipura, Post Office - Fatuha, Police Station- Fatuha, District - Patna, Pin Code - 803201, (Bihar), Registration No. - 2020001212.
35. Deepak Kumar, Son of Dudh Nath Baitha, Resident of Nai Basti Mahadeva, Malviya Nagar, Near Sri Rambhawan, Post Office - Siwan, Police Station- O.P. Thana, District - Siwan, Pin Code - 841226, (Bihar), Registration No. - 2020002441.
36. Manoj Kumar, Son of Ganesh Prasad Yadav, Resident of Village - Tengraha, Post Office - Fulwariya, Police Station- Kishanpur, District - Supaul, Pin Code - 852105, (Bihar), Registration No. - 2020003588.
37. Kunal Kumar Kannaujia, Son of Late Ishwar Chandra, Resident of Village - Hasanpur Surat, Post Office - Patory, Police Station- Patory, District - Samastipur, Pin Code - 848504, (Bihar), Registration No. - 2020001615.
38. Pranav Pallav, Son of Ayodhya Prasad Singh, Resident of Village - Maharana, Post Office - Dharhara, Police Station- Dharhara, District - Munger, Pin Code - 811212, (Bihar), Registration No. - 2020002182.
39. Ritesh Kumar Son of Uday Kumar Sinha, Resident of Village- Parsa, Post Office Nagwan, Police Station- Naubatpur, District - Patna, Pin Code - 801109, (Bihar), Registration No. - 2020003944.
40. Mazhar Amir Son of Amiruddin Ansari, Resident of Kalilpura Phulwari Sharif, Post Office- Phulwari Sharif, Police Station- Phulwari Sharif, District - Patna, Pin Code- 801505, (Bihar), Registration No. - 2020001613.
41. Sanjeet Kumar Sudhanshu Son of Vijay Kumar Sudhanshu, Resident of Khairma, Ward No. - 01, Post Office - Jamui, Police Station- Jamui, District - Jamui, Pin Code - 811307, (Bihar), Registration No. - 2020002808.
42. Manish Kumar, Son of Sarwan Kumar, Resident of Village - Karan Bigha, Post Office - Shankar Dih, Police Station- Parwal Pur, District - Nalanda,

Pin Code- 803114, (Bihar), Registration No. - 2020001409.

43. Nilesh Kumar, Son of Kamlesh Kumar, Resident of C/o - Dayanand Prasad, Mohalla - Vishnupuri, Near - Buddha City Hospital, Post Office - Anisabad, Police Station- Gardanibagh, District - Patna, Pin Code - 800002, (Bihar), Registration No. - 2020003979.
44. Sujit Kumar, Son of Umesh Prasad, Resident of Village - Lohani Bigha, Post Office - Gonawan, Police Station- Nawada, District - Nawada, Pin Code - 805110, (Bihar), Registration No. - 2020001574.
45. Rajeev Ranjan, Son of Late Paramhansh Mahto, Residence of Kuldeep Nagar Jatahi Pokhara Road, Post Office - Sandha, Police Station- Chhapra, District - Saran, Pin Code - 84130, (Bihar), Registration No. - 2020003809.
46. Ranjeet Kumar Son of Late Bhola Paswan, Resident of House No. - 41, Chitkohra Bazar, Post Office - Anisabad, Police Station- Gardanibagh, District - Patna, Pin Code - 800002, Bihar, Registration No. - 2020000964.
47. Mili, Daughter of Janardan Prasad Sah, Resident of G.C. Banerjee Road, Bhikhanpur, Bhagalpur, Post Office - Head Post Office Bhagalpur, Police Station- Tilkamanjhi, District - Bhagalpur, Pin Code - 812001, (Bihar), Registration No. - 2020001533.
48. Richa Kumari Daughter of Rabindra Kumar Jamuar, Resident of In Front of Jama Masjid, Above Dakshin Bihar Bank, Tekari (Gaya), Post Office - Tekari, Police Station- Tekari, District - Gaya, Pin Code - 824236, (Bihar), Registration No. - 2020000225.
49. Hrishikesh Kumar, Son of Ashok Kumar Roy, Resident of Savitri Sadan, Resident of Village - Tardiha, Post Office - Baluachak, Police Station- Jagdishpur, District - Bhagalpur, Pin Code - 812005, (Bihar), Registration No. - 2020000943.
50. Manisha Kumari, Daughter of Umesh Prasad Sah, Resident of Sangrampur, Near Block Road, Post Office - Sangrampur, Police Station- Sangrampur, District - Munger, Pin Code - 813212, (Bihar), Registration No. - 2020006997.
51. Sarita Kumari, Daughter of Suresh Prasad, Resident of Magadh Colony Badi Phari, Post Office - Sohsarai, Police Station- Sohsarai, District - Nalanda, Pin Code - 803118, (Bihar), Registration No. 2020007269.
52. Sudhanshu Kumar, Son of Kishore Lal Baitha, Resident of Flat No. 401, Niharika Apartment, Sheikhpura, Rajabazar, Post Office - B.V. College, Police Station- Shastri Nagar, District - Patna, Pin Code - 800014, (Bihar), Registration No. - 2020004477.
53. Rajendra Kumar, Son of Kedar Sharma, Resident of Akash Bhawan, Village - Line Par Mirzapur, Post Office and Police Station- Nawada, District - Nawada, Pin Code - 805110, (Bihar), Registration No. - 2020007251.
54. Anjali Kumari Daughter of Rajanikant Prasad, Resident of Village - Derghoan, Post Office - Dawath, Police Station- Dawath, District - Rohtas, Pin Code - 802204, (Bihar), Registration No. - 2020003099.
55. Kanupriya, Daughter of Binod Kumar Das, Resident of Vishal Apartment Flat No. - 10, Rampur Road, Post Office - Mahendru, Police Station - Bahadurpur Bazarsamiti, District - Patna, Pin Code - 800006, (Bihar),

Registration No. - 2020004264.

56. Anju, Daughter of C.B. Singh, Resident of MIG- 1/166, MP Nagar, Post Office - Korba H.O, Police Station- Rampur, District - Korba, Pin Code - 495677, (Chattisgarh), Registration No. - 2020007017.
57. Ajit Kumar Son of Bindeshwari Das, Resident of Umalaya, By Pass Road, Purandaha, Post Office - B. Deoghar, Police Station- Deoghar, District - Deoghar, Pin Code - 814112, (Jharkhand), Registration No. - 2020004120.
58. Pravin Kumar Ojha, Son of Lakshman Jee Ojha, Residence of Village - Gaura, Post Office - Gaura, Police Station- Bihiya, District - Bhojpur, Pin Code- 802166, (Bihar), Registration No. - 2020004871.
59. Ujjwal Kumar, Son of Kamal Kishor Choudhary, Resident of Alipur Road, Village - Jamira, Post Office - Jamira, Police Station Mufassil (Ara), District - Bhojpur, Pin Code - 802161, (Bihar), Registration No. - 2020004121.
60. Nidhi Singh, Daughter of Late Sunil Kumar Singh, Resident of Village - Biratpur, Post Office - Biratpur, Police Station- Sonbarsa, District - Saharsa, Pin Code - 852217, (Bihar), Registration No. - 2020000064.
61. Sanjeev Kumar, Son of Bhogendra Yadav, Resident of Village - Khoriya, Post Office - Choraut, Police Station- Choraut, District - Sitamarhi, Pin Code - 843318, (Bihar), Registration No- 2020002885.
62. Anand Prakash Singh, Son of Shyam Nandan Kishore, Resident of Jiyan Khurd, Post Office - Almabishunpur, Police Station- Karja, District - Muzaffarpur, Pin - 843113,(Bihar), Registration No- 2020006620.
63. Rahul Ranjan, Son of Amrendra Mohan Kumar, Resident of South of SS Girls Sr Sec. School, Ayodhya Path, Amber, Post Office - Bihar Sharif, Police Station- Bihar, City - Bihar Sharif, District - Nalanda, Pin Code - 803101, (Bihar), Registration No- 2020003178.
64. Saurav Vishal, Son of Nawal Kishore Singh, Resident of Ward No. - 32, In Front of Mukti Nath Mandir, Ramdyalunagar, Musahri, Poramana, Police Station- Kazi Mohammadpur, District - Muzaffarpur, Pin - 842002, Bihar, Registration No. 2020001440.
65. Bhagwan Bhuwan Bhasker, Son of Vijay Shankar Prasad, Resident of Village - Kulharia, Post Office - Kulharia, Police Station- Koilwar, District - Bhojpur, Pin Code - 802160, Bihar, Registration No. 2020005384.
66. Gautam Kumar, Son of Mani Bhushan Prasad Singh, Resident of Village - Korai, Post Office - Korai, Via - Garhpura, Police Station- Garhpura, District - Begusarai, Pin Code - 848204, (Bihar), Registration No- 2020005689.
67. Intoo Kumar Son of Kashi Prasad, Resident of Village - Uphar, Post Office - Uphara, Police Station- Uphara, District - Aurangabad, Pin Code - 824203, (Bihar), Registration No- 2020002384.
68. Amit Kumar, Son of Shankar Rajak, Resident of C/o - Musho Pandit, Village - Aunta (Hissatar), Post Office - Mokamaghat, Police Station- Hathidah, District - Patna, Pin Code - 803303, (Bihar), Registration No- 2020002957.
69. Md. Kalimuddin Ansari Son of Maniruddin Ansari, Resident of Village - Dumduma, Post Office - Laheria Sarai, Police Station- Laheria Sarai, District - Darbhanga, Pin Code- 846001, (Bihar), Registration No-

2020000696.

70. Rahul Kumar, Son of Ramvilash Prasad Singh, Resident of Village - Ghosaith, Post Office and Police Station- Piribazar, District - Lakhisarai, Pin Code -811112, (Bihar), Registration No- 2020003363.
71. Abhinandan Kumar Son of Chunnilal Paswan, Resident of Bind Toli, Post Office- Ara, Police Station- Muffasil, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No- 2020006448.
72. Vikash Kumar, Son of Dinesh Ravidas, Resident of Village - Salaiya Khurd, Post Office - Fatehpur, Police Station- Fatehpur, District - Gaya, Pin Code - 824232, (Bihar), Registration No- 2020006137.
73. Sunita Kumari, Daughter of Janardan Kumar, Resident of Village- Mahammadpur, Post Office- Teknewas, Police Station Mahammadpur, District - Gopalganj, Pin Code - 841423, (Bihar), Registration No- 2020002851.
74. Santosh Kumar, Son of Ram Sihasan Ram, Resident of CID Colony, Simaliya, Ring Road, Post Office - Ratu, Police Station- Ratu, District - Ranchi, Pin Code - 835222, (Jharkhand), Registration No. - 2020003543.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, the Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, the Urban Development and Housing Department, Government of Bihar, Patna.
3. The Nodal Officer, the Urban Development and Housing Department, Government of Bihar, Patna.
4. Bihar Combined Entrance Competitive Examination Board, Patna.
5. The Secretary, Bihar Combined Entrance Competitive Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate
	:	Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Yogendra Pd. Sinha, AAG-7

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Constitution of India, 1950—Article 226—Service Law—Selection/Appointment—advertisement for selection to the post of

City Managers was published prior to publication of policy decision of General Administration Department; and examination was also taken prior to publication of policy decision—respondents failed to show any valid or cogent reason for cancellation of selection process—respondents stopped the process of recruitment after selecting the candidates on contract basis—process of selection initiated before publication of Circular or policy decision cannot be circumscribed by the subsequent Circular—order of cancelling selection process to posts of City Managers be quashed and set aside with direction to respondents to conclude the process of selection and appointment on contract basis—on contest, writ petition allowed.

(Paras 16, 17, 19 and 20)

2015 (4) PLJR 708—**Relied upon.**

(2010) 7 SCC 678; (1993) 1 SCC 154—**Distinguished.**

(1986) 4 SCC 268; (1991) 3 SCC 47; (2007) 9 SCC 497; 2024 (2) PLJR 296—**Referred to.**

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4. Rakesh Kumar Roushan, Son of Mathura Ravidas, Resident of Mohalla - Lohartoll, Post Office and Police Station- Islampur, District - Nalanda, Pin Code - 801303, (Bihar), Registration No.- 202001242.
5. Sandip Kumar Singh, Son of Hartall Singh, Resident of Village - Barasari Jagir, Post Office - Barasari Jagir, Police Station- Maniar, District - Ballia, Pin Code - 277207, (Uttar Pradesh), Registration No. - 2020002663.
6. Bharg Prasad, Son of Dr. Arun Kumar, Resident of Mohalla - Manglasthan, Post Office - Biharsharif, Police Station- Laheri, District - Nalanda, Pin Code - 803216, (Bihar), Registration No. - 2020003100.
7. Ajay Kumar Son of Shiodani Prasad, Resident of Mohalla - Dayachak, Post Office and Police Station- Barh, District - Patna, Pin Code - 803213, (Bihar), Registration No.- 2020000551.
8. Vishal Kant, Son of Late Sarveshwar Prasad Singh, Resident of Village - Rupaul, Post Office - Rupaul, Police Station- Rupaul, District - Purnia, Pin Code - 854204 (Bihar), Registration No. - 2020006496.
9. Rohit Singh, Son of Dr. Rajendra Prasad, Resident of Village - New Sipara Matkhan, Post Office - Dhelwan, Police Station- Beur, District - Patna, Pin Code - 800020, (Bihar), Registration No.- 2020000354.
10. Stuty Kumari, Daughter of Subhash Sarkar, Resident of Near SB College, Maulabagh, Ara, Bhojpur, Post Office and Police Station- Nawada, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No. - 2020006312.
11. Kamlesh Kumar, Son of Raghunandan Singh, Resident of Village - Kanhauli, Post Office and Police Station- Khajauli, District - Madhubani, Pin Code - 847228, (Bihar), Registration No. - 2020004236.
12. Priyanshu, Daughter of Sitaram Mistry, Resident of Village - Bahadi Bigha, Post Office - Onda, Police Station- Sare, Block - Asthawan, Sub Division- Biharsarif, District - Nalanda, Pin Code - 803107, (Bihar) Registration No.- 2020002884.
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 16. Sarika Kumari Madhu, Daughter of Veenesh Kumar, Resident of Priyadarshi Nagar, Near Bhagwat Milan Mandir, Post Office - B.H. Colony, Bhootnath Road, Police Station- Agamkuan, District - Patna, Pin Code - 800026, (Bihar) Registration No. - 2020000950.
 17. Priyanka Kumari, Daughter of Arjun Singh, Resident of House No. 20, Road No. 2 (Extn), Rajbanshi Nagar, Police Station- LBS Nagar District - Patna, Pin Code - 800023, (Bihar), Registration No. 2020001550.
 18. Mikki Kumari, Daughter of Bal Gangadhar Tilak Sharma, Resident of Village - Binda, Post Office - Binda, Police Station- Mushahari, District - Muzaffarpur, Pin Code - 843119, (Bihar), Registration No. - 2020004043.
 19. Md. Danish Alam, Son of Md. Moqueemuddin, Resident of Village - New Arwal, Post Office - Arwal, Police Station- Arwal, District - Arwal, Pin Code - 804401, (Bihar), Registration No. - 2020005485.
 20. Md. Sabir Ansari Son of Md. Barkat Ansari, Resident of Village - Mansara, Post office - Parta, Police Station- Amba, District - Aurangabad, Pin Code - 824111, (Bihar), Registration No.- 2020005630.
 21. Abhishek, Son of Sri Krishna Yadav, Resident of Colony- Anand Path, Bhikhachak, Post Office - Anisabad, Police Station- Gardanibag, District - Patna, Pin Code - 800002, (Bihar), Registration No.- 2020005348.
 22. Rajesh Kumar, Son of Ram Lochan Sharan, Resident of Village- Ishakchak Near Sarv Mangla Kali, Post Office and Police Station- Ishakchak, District - Bhagalpur, Pin Code - 812001, (Bihar), Registration No.- 2020002001.
 23. Jumbish Arvi, Daughter of Shamim Akhtar, Resident of Khetari Mohalla, Ward No. 24, Ara, Post office - Ara, Police Station- Ara Town, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No.- 2020006040.
 24. Sanjay Kumar, Son of Ram Sagar Prasad, Resident of Village - Kekarha, Post office - Torni, Police Station- Sheosaga, District - Rohtas, Pin Code - 821111, (Bihar), Registration No.- 2020000206.
 25. Rajeev Kumar Ranjan, Son of Pramod Kumar Das, Resident of Village - Lashkari, Post Office- Lashkari, Sub-Divison - Udakishunganj, District - Madhepura, Pin Code - 852220, (Bihar), Registration No.- 2020002655.
 26. Om Prakash, Son of Sudama Paswan, Resident of Village - Chhotki Chenari, Post office - Chhotki Chenari, Police Station- Seosagar, District - Rohtas, Pin Code - 821113, (Bihar), Registration No.- 2020004441.
 27. Shashi Anand, Son of Late Basant Kumar Sinha, Resident of Anand Bhawan, Ward No. 11, Village - Bhouradah, Post office - Bhouradah, Police Station- Bahadurganj, District - Kishanganj, Pin Code - 855101, (Bihar), Registration No.- 2020001903.
 28. Paushan Ara Daughter of Abdul Rauf Ansari, Resident of Village - Chahunta, Post Office - Khuthan, Police Station- Haspura, District -



Aurangabad, Pin Code - 824120, (Bihar), Registration No.- 2020001899.

29. Kumari Renu, Daughter of Rampati Ravidas, Resident of Village - Jondhi Roridih, Post office - Bankey Bazar, Police Station- Bankey Bazar, District - Gaya, Pin Code - 824217, (Bihar), Registration No. - 2020002720.
30. Chitendar Singh, Son of Kedar Singh, Resident of Village - Sarfaraj Nagar Kumhara, Post Office - Karkain, Police Station- Ghoshwari, Via- Sarmera Barh, District - Patna, Pin Code - 803302, (Bihar), Registration No. - 2020000925.
31. Divya Kumari, Daughter of Tripurari Sharma, Resident of East of BSNL Telephone Exchange, Kako Road, Nizamudinpur, Police Station- Jehanabad, Post Office - Jehanabad, District - Jehanabad, Pin Code - 804417, (Bihar), Registration No. - 2020004918.
32. Avinash Kumar, Son of Sri Chhathilal Prasad, Resident of Near Bari Sangat Daulat Ganj, Chapra, Post Office - Chapra, Police Station- Bhagwan Bazar, District - Saran, Pin Code - 841301, (Bihar), Registration No. - 2020003727.
33. Vaibhav Anand, Son of Sushil Prasad Yadav, Resident of Mohanpur, Ward No. - 01, Panchayat - Barahi, Post Office - Hasanpur, Police Station- Madhepura, District - Madhepura, Pin Code - 852128, (Bihar), Registration No. - 2020004383.
34. Indrajeet Kumar, Son of Ram Balak Prasad, Resident of Village - Raipura, Post Office - Fatuha, Police Station- Fatuha, District - Patna, Pin Code - 803201, (Bihar), Registration No. - 2020001212.
35. Deepak Kumar, Son of Dudh Nath Baitha, Resident of Nai Basti Mahadeva, Malviya Nagar, Near Sri Rambhawan, Post Office - Siwan, Police Station- O.P. Thana, District - Siwan, Pin Code - 841226, (Bihar), Registration No. - 2020002441.
36. Manoj Kumar, Son of Ganesh Prasad Yadav, Resident of Village - Tengraha, Post Office - Fulwariya, Police Station- Kishanpur, District - Supaul, Pin Code - 852105, (Bihar), Registration No. - 2020003588.
37. Kunal Kumar Kannaujia, Son of Late Ishwar Chandra, Resident of Village - Hasanpur Surat, Post Office - Patory, Police Station- Patory, District - Samastipur, Pin Code - 848504, (Bihar), Registration No. - 2020001615.
38. Pranav Pallav, Son of Ayodhya Prasad Singh, Resident of Village - Maharana, Post Office - Dharhara, Police Station- Dharhara, District - Munger, Pin Code - 811212, (Bihar), Registration No. - 2020002182.
39. Ritesh Kumar Son of Uday Kumar Sinha, Resident of Village- Parsa, Post Office Nagwan, Police Station- Naubatpur, District - Patna, Pin Code - 801109, (Bihar), Registration No. - 2020003944.
40. Mazhar Amir Son of Amiruddin Ansari, Resident of Kalilpura Phulwari Sharif, Post Office- Phulwari Sharif, Police Station- Phulwari Sharif, District - Patna, Pin Code- 801505, (Bihar), Registration No. - 2020001613.
41. Sanjeet Kumar Sudhanshu Son of Vijay Kumar Sudhanshu, Resident of Khairma, Ward No. - 01, Post Office - Jamui, Police Station- Jamui, District - Jamui, Pin Code - 811307, (Bihar), Registration No. - 2020002808.
42. Manish Kumar, Son of Sarwan Kumar, Resident of Village - Karan Bigha, Post Office - Shankar Dih, Police Station- Parwal Pur, District - Nalanda,



Pin Code- 803114, (Bihar), Registration No. - 2020001409.

43. Nilesh Kumar, Son of Kamlesh Kumar, Resident of C/o - Dayanand Prasad, Mohalla - Vishnupuri, Near - Buddha City Hospital, Post Office - Anisabad, Police Station- Gardanibagh, District - Patna, Pin Code - 800002, (Bihar), Registration No. - 2020003979.
44. Sujit Kumar, Son of Umesh Prasad, Resident of Village - Lohani Bigha, Post Office - Gonawan, Police Station- Nawada, District - Nawada, Pin Code - 805110, (Bihar), Registration No. - 2020001574.
45. Rajeev Ranjan, Son of Late Paramhansh Mahto, Residence of Kuldeep Nagar Jatahi Pokhara Road, Post Office - Sandha, Police Station- Chhapra, District - Saran, Pin Code - 84130, (Bihar), Registration No. - 2020003809.
46. Ranjeet Kumar Son of Late Bhola Paswan, Resident of House No. - 41, Chitkohra Bazar, Post Office - Anisabad, Police Station- Gardanibagh, District - Patna, Pin Code - 800002, Bihar, Registration No. - 2020000964.
47. Mili, Daughter of Janardan Prasad Sah, Resident of G.C. Banerjee Road, Bhikhanpur, Bhagalpur, Post Office - Head Post Office Bhagalpur, Police Station- Tilkamanjhi, District - Bhagalpur, Pin Code - 812001, (Bihar), Registration No. - 2020001533.
48. Richa Kumari Daughter of Rabindra Kumar Jamuar, Resident of In Front of Jama Masjid, Above Dakshin Bihar Bank, Tekari (Gaya), Post Office - Tekari, Police Station- Tekari, District - Gaya, Pin Code - 824236, (Bihar), Registration No. - 2020000225.
49. Hrishikesh Kumar, Son of Ashok Kumar Roy, Resident of Savitri Sadan, Resident of Village - Tardiha, Post Office - Baluachak, Police Station- Jagdishpur, District - Bhagalpur, Pin Code - 812005, (Bihar), Registration No. - 2020000943.
50. Manisha Kumari, Daughter of Umesh Prasad Sah, Resident of Sangrampur, Near Block Road, Post Office - Sangrampur, Police Station- Sangrampur, District - Munger, Pin Code - 813212, (Bihar), Registration No. - 2020006997.
51. Sarita Kumari, Daughter of Suresh Prasad, Resident of Magadh Colony Badi Phari, Post Office - Sohsarai, Police Station- Sohsarai, District - Nalanda, Pin Code - 803118, (Bihar), Registration No. 2020007269.
52. Sudhanshu Kumar, Son of Kishore Lal Baitha, Resident of Flat No. 401, Niharika Apartment, Sheikhpura, Rajabazar, Post Office - B.V. College, Police Station- Shastri Nagar, District - Patna, Pin Code - 800014, (Bihar), Registration No. - 2020004477.
53. Rajendra Kumar, Son of Kedar Sharma, Resident of Akash Bhawan, Village - Line Par Mirzapur, Post Office and Police Station- Nawada, District - Nawada, Pin Code - 805110, (Bihar), Registration No. - 2020007251.
54. Anjali Kumari Daughter of Rajanikant Prasad, Resident of Village - Derghoan, Post Office - Dawath, Police Station- Dawath, District - Rohtas, Pin Code - 802204, (Bihar), Registration No. - 2020003099.
55. Kanupriya, Daughter of Binod Kumar Das, Resident of Vishal Apartment Flat No. - 10, Rampur Road, Post Office - Mahendru, Police Station - Bahadurpur Bazarsamiti, District - Patna, Pin Code - 800006, (Bihar),



Registration No. - 2020004264.

56. Anju, Daughter of C.B. Singh, Resident of MIG- 1/166, MP Nagar, Post Office - Korba H.O, Police Station- Rampur, District - Korba, Pin Code - 495677, (Chattisgarh), Registration No. - 2020007017.
57. Ajit Kumar Son of Bindeshwari Das, Resident of Umalaya, By Pass Road, Purandaha, Post Office - B. Deoghar, Police Station- Deoghar, District - Deoghar, Pin Code - 814112, (Jharkhand), Registration No. - 2020004120.
58. Pravin Kumar Ojha, Son of Lakshman Jee Ojha, Residence of Village - Gaura, Post Office - Gaura, Police Station- Bihiya, District - Bhojpur, Pin Code- 802166, (Bihar), Registration No. - 2020004871.
59. Ujjwal Kumar, Son of Kamal Kishor Choudhary, Resident of Alipur Road, Village - Jamira, Post Office - Jamira, Police Station Mufassil (Ara), District - Bhojpur, Pin Code - 802161, (Bihar), Registration No. - 2020004121.
60. Nidhi Singh, Daughter of Late Sunil Kumar Singh, Resident of Village - Biratpur, Post Office - Biratpur, Police Station- Sonbarsa, District - Saharsa, Pin Code - 852217, (Bihar), Registration No. - 2020000064.
61. Sanjeev Kumar, Son of Bhogendra Yadav, Resident of Village - Khoriya, Post Office - Choraut, Police Station- Choraut, District - Sitamarhi, Pin Code - 843318, (Bihar), Registration No- 2020002885.
62. Anand Prakash Singh, Son of Shyam Nandan Kishore, Resident of Jiyan Khurd, Post Office - Almabishunpur, Police Station- Karja, District - Muzaffarpur, Pin - 843113,(Bihar), Registration No- 2020006620.
63. Rahul Ranjan, Son of Amrendra Mohan Kumar, Resident of South of SS Girls Sr Sec. School, Ayodhya Path, Amber, Post Office - Bihar Sharif, Police Station- Bihar, City - Bihar Sharif, District - Nalanda, Pin Code - 803101, (Bihar), Registration No- 2020003178.
64. Saurav Vishal, Son of Nawal Kishore Singh, Resident of Ward No. - 32, In Front of Mukti Nath Mandir, Ramdyalunagar, Musahri, Poramana, Police Station- Kazi Mohammadpur, District - Muzaffarpur, Pin - 842002, Bihar, Registration No. 2020001440.
65. Bhagwan Bhuwan Bhasker, Son of Vijay Shankar Prasad, Resident of Village - Kulharia, Post Office - Kulharia, Police Station- Koilwar, District - Bhojpur, Pin Code - 802160, Bihar, Registration No. 2020005384.
66. Gautam Kumar, Son of Mani Bhushan Prasad Singh, Resident of Village - Korai, Post Office - Korai, Via - Garhpura, Police Station- Garhpura, District - Begusarai, Pin Code - 848204, (Bihar), Registration No- 2020005689.
67. Intoo Kumar Son of Kashi Prasad, Resident of Village - Uphar, Post Office - Uphara, Police Station- Uphara, District - Aurangabad, Pin Code - 824203, (Bihar), Registration No- 2020002384.
68. Amit Kumar, Son of Shankar Rajak, Resident of C/o - Musho Pandit, Village - Aunta (Hissatar), Post Office - Mokamaghat, Police Station- Hathidah, District - Patna, Pin Code - 803303, (Bihar), Registration No- 2020002957.
69. Md. Kalimuddin Ansari Son of Maniruddin Ansari, Resident of Village - Dumduma, Post Office - Laheria Sarai, Police Station- Laheria Sarai, District - Darbhanga, Pin Code- 846001, (Bihar), Registration No-



2020000696.

- 70. Rahul Kumar, Son of Ramvilash Prasad Singh, Resident of Village - Ghosaith, Post Office and Police Station- Piribazar, District - Lakhisarai, Pin Code -811112, (Bihar), Registration No- 2020003363.
- 71. Abhinandan Kumar Son of Chunnilal Paswan, Resident of Bind Toli, Post Office - Ara, Police Station- Muffasil, District - Bhojpur, Pin Code - 802301, (Bihar), Registration No- 2020006448.
- 72. Vikash Kumar, Son of Dinesh Ravidas, Resident of Village - Salaiya Khurd, Post Office - Fatehpur, Police Station- Fatehpur, District - Gaya, Pin Code - 824232, (Bihar), Registration No- 2020006137.
- 73. Sunita Kumari, Daughter of Janardan Kumar, Resident of Village- Mahammadpur, Post Office - Teknewas, Police Station- Mahammadpur, District - Gopalganj, Pin Code - 841423, (Bihar), Registration No- 2020002851.
- 74. Santosh Kumar, Son of Ram Sihasan Ram, Resident of CID Colony, Simaliya, Ring Road, Post Office - Ratu, Police Station- Ratu, District - Ranchi, Pin Code - 835222, (Jharkhand), Registration No. - 2020003543.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Principal Secretary, the Urban Development and Housing Department, Government of Bihar, Patna.
- 2. The Principal Secretary, the Urban Development and Housing Department, Government of Bihar, Patna.
- 3. The Nodal Officer, the Urban Development and Housing Department, Government of Bihar, Patna.
- 4. Bihar Combined Entrance Competitive Examination Board, Patna.
- 5. The Secretary, Bihar Combined Entrance Competitive Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT
Date : 15-05-2024

1. The Petitioners have invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for the following reliefs:-



(i) For a direction upon the respondents to produce letter no. No. 01/estb.(Public Grievance)-01/2021 3321, dated 09.11.2021 and quash the same, whereby and whereunder the respondents have cancelled the whole employment and appointment process on the post of City Manager undertaken vide Advt. No. UD&H/CTM-2020/01, dated 24th of April, 2020, for which merit list has already been issued and counseling has already been done hence, cancelling the whole employment and appointment process is arbitrary and without any valid reason, which is not permissible under the law.

(ii) For quashing of the notice dated 12.11.2021 issued by the Urban Development and Housing Department, Government of Bihar; whereby it has been informed that it has cancelled the whole employment / appointment process undertaken through Advt. No. UD&H/CTM-2020/01, dated 24th of April, 2020, vide its letter No. 01/estb.(Public Grievance)-01/2021 3321, dated 09.11.2021.

(iii) For a direction upon the respondents to conclude the employment



and selection process with respect to the aforesaid advertisement for the post of City Manager without any further delay and to issue letter of appointment in favour of selected candidates without any further delay.

(iv) For any other relief / reliefs, this Hon'ble Court may find fit and proper in the facts and circumstances of the present case.”

2. It is the case of the Petitioners that the Urban Development and Housing Department, Government of Bihar issued Advertisement No. UD&H/CTM-2020/01, dated 24th of April, 2020 in accordance with a Resolution, contained in letter dated 12th December, 2019, for selection to the vacant posts of City Managers on contract basis under the Urban Development and Housing Department. It was stated in the said advertisement that online Computer Based Test (CBT) would be held for appointment to the vacant posts of City Manager under the Department and the responsibility of conducting the examination was handed over to the Bihar Combined Entrance Competitive Examination Board. The aforesaid advertisement declared 163 posts of City Managers to be appointed on contractual basis on a consolidated scale of pay of Rs. 40,000/-. The Petitioners submitted their candidature with examination



fee of Rs. 2,200/- in addition to the pay processing charges etc. The Bihar Combined Entrance Competitive Examination Board issued Admit-Cards to the candidates, including the Petitioners. Online Computer Bases Test (CBT) was held on 9th of December, 2020. Subsequently, a merit-list was prepared by the Bihar Combined Entrance Competitive Examination Board and the same was uploaded on the website of the Board on 25th of January, 2021. The Urban Development and Housing Department, Government of Bihar also issued a notice, informing all the candidates with respect to the publication of merit-list by the Board. The names of the Petitioners were figured in the merit-list. The Department fixed 9th of February, 2021 to 11th of February, 2021 for verification of the documents. However, on that date, some selected candidates were absent. Therefore, the Department gave them another opportunity to appear for verification of documents in between 2nd of March, 2021 to 3rd of March, 2021 by issuing a notice dated 24th of February, 2021. Accordingly, the documents of all the Petitioners were verified. Thereafter, the Department remained absolutely silent regarding the said appointment which compelled some of the Petitioners to approach the Department with respect to delay in issuing the appointment letters to the



successful candidates but no positive response was availed from the Department. Some of the Petitioners also met the Principal Secretary, Urban Development and Housing Department, Government of Bihar and different other authorities and submitted their representations but the Respondents did not act by handing over the appointment letter to the successful candidates as per the advertisement. Suddenly, on 12th of November, 2021, the Urban Development and Housing Department, Government of Bihar cancelled the whole employment/appointment process undertaken by the Board without assigning any reason. Some Petitioners filed application under the Right to Information Act to know the reason as to why recruitment process was cancelled but they did not get any reply. It is alleged by the Petitioners that the specific act of the Urban Development and Housing Department is illegal and manifestly arbitrary. They cannot cancel the entire recruitment process without assigning any valid reason.

3. Hence, the instant Writ Petition.

4. A counter affidavit has been filed on behalf of the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna, duly sworn by the Project Officer-cum-Deputy Director of the said Department. It



is the specific case on behalf of the Respondent No. 2 that the General Administration Department, Government of Bihar issued a new policy regarding the process and guidelines for the contractual appointment *vide* Resolution, contained in Memo No. No. 3/M-78/2005 GAD-1003, dated 22nd of January, 2021, in which the Government was pleased to direct that no contractual appointment shall be made normally against regular post. Paragraph 4(1)(i) of the said guidelines issued by the General Administration Department contains that on account of delay of selection process for making regular appointment through BPSC or other Commission, no contractual appointment against regular sanctioned post will normally be made. The contractual engagement against the said post will be made in extraordinary situation only after the approval of the proposal of contractual engagement by the State Cabinet. In the light of the aforesaid policy of the Government of Bihar regarding contractual appointment, the Urban Development and Housing Department was not in a position to fill up the 163 posts of City Managers under the said Department on contract. Therefore, the Department had no other alternative but to cancel the said examination process undertaken by Bihar Combined Entrance Competitive Examination Board.



5. Petitioners have filed a rejoinder to the counter affidavit, alleging, *inter alia*, that examination of the Petitioners was held on the basis of an advertisement dated 24th of April, 2020. Therefore, the policy decision contained in Memo No. 3/M-78/2005 GAD-1003, dated 22nd of January, 2021 issued by the General Administration Department, Government of Bihar is not applicable in the case of the Petitioners. It is also contended by the Petitioners that even after publication of the aforesaid policy decision, dated 22nd of January, 2021, various Departments under the Government of Bihar issued different advertisements for different posts for appointment on contract basis. As for example, the State Health Society, Government of Bihar issued Advertisement dated 30th of June, 2021 for appointment on Auxiliary Nurse Midwifery on contract basis and the process of selection is going on. Patna Metropolitan Area Authority under the Urban Development and Housing Department, Government of Bihar issued an advertisement dated 18th of August, 2021 for appointment of Junior Staff (Surveyor / Amin) on contract basis. The Sales Tax Department issued advertisement dated 18th of January, 2022 for appointment to the post of Rajya Kar Upper Ayukta on contract basis. Similarly, the Women and Child Development



Corporation, Government of Bihar; Bihar State Mining Corporation, Government of Bihar; Urban Development and Housing Department, Government of Bihar; and other Departments also issued advertisements for contractual appointment on different posts under their respective Departments. Therefore, it is contended by the Petitioners that the Government of Bihar in different Departments did not give effect to the Resolution dated 22nd of January, 2021 issued by the General Administration Department, Government of Bihar.

6. It is submitted by Mr. Y. V. Giri, learned Sr. Counsel for the Petitioners that advertisement was published for the posts of City Managers under the Urban Development and Housing Department to fill up 163 posts on contract basis in the month of April, 2020. On the basis of the said advertisement and subsequent notification, the Petitioners appeared in the competitive examination conducted by Bihar Combined Entrance Competitive Examination Board. They were selected on the basis of merit. Therefore, the Petitioners had the legitimate expectation of being appointed albeit on contract under the State Government. After the examination, the concerned Board published the result. Thereafter, the Department examined the documents of the Petitioners. Then



the process of recruitment cannot be stopped on the basis of a subsequent notification which cannot be applied retrospectively.

7. It is submitted by the learned Advocate for the Petitioners, referring to a decision of the Hon'ble Supreme Court in the case of *Shankarsan Dash v. Union of India*, reported in *(1991) 3 SCC 47* that in case of appointment, candidates included in merit-list has no indefeasible right to appoint even if a vacancy exists. But the State while filling up the vacancies has to act bona-fide and not arbitrarily.

8. In *P. Mohanan Pillai v. State of Kerala & Ors.*, reported in *(2007) 9 SCC 497*, it is held by the Hon'ble Supreme Court that rule of appointment which were prevailing at the time of advertisement or when the vacancies arose would be adhered to.

9. In the instant case, vacancies were declared on the basis of an advertisement dated 24th of April, 2020. By a subsequent decision taken in the month of January, 2021, the Petitioners' right of appointment cannot be cancelled. The candidates listed in the panel has a right to be appointed. This principle is laid down in a recent decision of this Court in *Binod Kumar & Ors. v. The State of Bihar & Ors.*, reported in *2024 (2) PLJR 296*.



10. The learned Advocate for the Respondents, on the other hand, submits that the Urban Development and Housing Department cancelled the selection process of the Petitioners for contractual appointment because of the policy decision taken by the General Administration Department, before issuance of appointment letter to the candidates. The General Administration Department directed all the Departments in the Government that no contractual appointment would normally be made against the substantive vacancy and if under any special ground such appointment is required to be made on contract basis, ratification of the State Cabinet is absolutely necessary.

11. Having heard the learned counsels for the parties and on careful perusal of the instant writ petition, counter affidavit, rejoinder and other materials on record along with relevant judgements as referred to above by the learned Advocate for the Petitioners, it is recorded at the outset that the law on this issue is no longer res integra that while authorities have the right to cancel a selection process, this right must be exercised for valid reasons and cannot be arbitrary. The lack of any justification for the cancellation led to the Court to conclude that the decision was arbitrary and thus set aside.

12. The Hon'ble Supreme Court in *Neelima Shangla*



v. State of Haryana & Ors., reported in **(1986) 4 SCC 268**, first laid down the principle that pursuant to the completion of the process of selection, it would be open to the Government not to fill up all the vacancies for a valid reason.

13. In ***Shankarsan Dash*** (supra), the Hon'ble Supreme Court held that if a number of vacancies are notified for appointment, the successful candidates do not acquire indefeasible right to be appointed but the decision not to fill up the vacancies had to be taken up bona-fide for appropriate reasons. In paragraph no. 7 of the said judgement, it is observed by the Hon'ble Supreme Court as hereunder:-

“7. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of



the candidates, as reflected at the recruitment test, and no discrimination can be permitted.”

14. The State Government can cancel a selection process on the ground that the less meritorious candidates were virtually on the top of the list on the basis of the marks obtained in Interview and the members of the Selection Board has made use of Interview marks awarded by them at Interview to eliminate meritorious candidates. This view was taken by the Hon'ble Supreme Court in *Union Territory of Chandigarh v. Dilbagh Singh & Ors.*, reported in (1993) 1 SCC 154.

15. In *East Coast Railway & Anr. v. Mahadev Appa Rao & Ors.*, reported in (2010) 7 SCC 678, the Hon'ble Supreme Court emphasized need to record prima facie satisfaction before proceeding of order of cancellation of a selection process. This was a case of selection process to the post of Chief-Typist and it was alleged that to some of the unsuccessful candidates, defective type writing machines were provided which had placed them at a disadvantage as against the candidates who were declared successful.

16. In the instant case, no such allegation has been levelled against the State authorities. On the contrary, the Respondent Nos. 1 and 2 cancelled the entire selection process



on the ground that the General Administration Department issued a notification on 22nd of January, 2021 that normally no vacant sanctioned posts should be filled up by contractual appointment. The process of appointment was started on and from 24th of April, 2020. Examination was taken on 9th of December, 2020 and the merit-list was published on 25th of January, 2021. It is an established principle of law that any Circular with regard to appointment or selection etc. will have prospective effect. The process of selection initiated before publication of such Circular or policy decision cannot be circumscribed by the subsequent Circular. The decision of this Court in the case of *Allahabad Bank & Ors. v. Prashant Chandra Jha & Ors.*, reported in *2015 (4) PLJR 708* is a reference on this point.

17. In view of the above discussion, I find that the advertisement for selection to the post of 163 numbers of City Managers was published prior to publication of policy decision of the General Administration Department, dated 21st of January, 2021. Examination was taken prior to the said policy decision. Result was published only 3 days after 22nd of January, 2021. The State Government and especially the Respondents failed to show any valid or cogent reason for cancellation of such



selection process.

18. In view of such circumstances, the prayer made by the Petitioners is allowed.

19. The order of cancelling the selection process to 163 posts of City Managers under the Urban Development Housing Department *vide* letter No. 01/estb.(Public Grievance)-01/2021 3321, dated 09.11.2021 and notice, dated 12.11.2021 be quashed and set aside.

19. The Respondent Nos. 2 and 3 are directed to conclude the process of selection and appointment to the post of 163 City Managers on contractual basis within six weeks from the date of communication of a copy of this order.

20. The instant writ petition, thus, allowed, on contest.

21. There shall, however, be no order as to costs.

(Bibek Chaudhuri, J)

skm/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	17.05.2024
Transmission Date	

