

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.212 of 2023

In

Civil Writ Jurisdiction Case No.21973 of 2014

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Anand Kumar Jha, Son of Jaibir Jha, Resident of Village Ghogharaha, Police
Station Jale, District – Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector-cum-District Magistrate, Darbhanga.
5. The Deputy Collector Establishment, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shanti Pratap, Advocate

For the Respondent/s : Mr. P.K. Verma (AAG-3)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-03-2025

Re: I. A. No. 1 of 2023

This is an application seeking condonation of
delay of 8 days in preferring this appeal.



2. For the reasons stated in the application, the delay of 8 days in filing the appeal, is condoned.

3. I. A. No.1 of 2023 stands allowed.

Re: LPA No. 212 of 2023

4. The appellant had applied for being appointed on Class-IV post, as he was empanelled as a candidate sometimes in the year 1992-93. The process for appointment was against advertisements issued from time to time for such empanelled candidates.

5. Initially, the minimum qualification for appointment on Class-IV post was VIIIth Class pass, but later in the year 2011, it was raised to Xth (Matriculation). Though the appellant had applied against an advertisement of 2011, but the selection process started later. By virtue of a notification of the Government in its General Administrative Department dated 26.12.2013, it was clarified that the minimum qualification for being appointed on Class-IV post would be Matriculation. It was also clarified by the aforementioned notification that the rules



governing the appointment and service condition of Class-IV posts would undergo a change from 12.12.2012; meaning thereby that any appointment thereafter would require a candidate to be matriculate for his candidature to be accepted for consideration.

6. The appellant had applied, but his candidature was rejected.

7. He approached this Court on the ground that the rules of recruitment could not have been changed midway. In support of the aforementioned contention, he had referred to the judgment of the Supreme Court in ***K. Manjushree vs. State of Andhra Pradesh and Anr.; 2008 (3) SCC 512.***

8. The learned Single Judge vide his judgment dated 12.12.2022 passed in CWJC No. 21973 of 2014 dismissed the petition holding that such dictum would not be applicable to the facts of the case of the appellant.

9. The procedure for appointment has not been changed midway. Even otherwise, the appellant was



empanelled sometimes in the year 2012 which empanelment would have survived only for a year. If at all, the appellant was empanelled in successive years, there was nothing on record to indicate that the appellant stood empanelled after 2012 as well. Nonetheless, by virtue of an order of this Court, the candidature of the appellant was required to be considered but only with respect to his age. He had sought for relaxation of age. However, on the ground of the appellant not being a matriculate, his application was rejected.

10. Similarly situated persons whose candidature were rejected on ground of academic qualification had approached this Court vide CWJC No. 4693 of 2012, which was rejected and the challenge against such order in the LPA also could not be sustained.

11. Considering the aforementioned aspects of the matter, we do not find any fault with the impugned judgment.

12. There is no merit in this appeal and it is



accordingly dismissed.

13. Interlocutory Application/s, if any, also stands disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	22.03.2025
Transmission Date	

