

(2022) 09 PAT CK 0052

Patna High Court

Case No: Letters Patent Appeal No. 303 Of 2022 In Civil Writ Jurisdiction Case No. 11802 Of 2021

Baby Kumari & Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Sept. 26, 2022

Acts Referred:

- Bihar Water Resources Department Subordinate Engineering (Civil) Cadre Recruitment Rules, 2015 - Rule 9

Hon'ble Judges: Ashutosh Kumar, J; Jitendra Kumar, J

Bench: Division Bench

Advocate: Md. Shahnawaz Ali, Sanjay Kumar Ghorsawarey, Nikesh Kumar

Final Decision: Dismissed

Judgement

1. The defects pointed out by the Stamp Reporter are ignored.
2. Heard the learned counsel for the parties.
3. The appellants have challenged the judgment and order dated 10.01.2022 passed in C.W.J.C. No. 11802 of 2021, whereby the prayer made on their behalf for their cases to be considered for recruitment under Rule 9 of the Bihar Water Resources Department Subordinate Engineering (Civil) Cadre Recruitment Rules, 2015 (in short the Recruitment Rules of 2015) has been rejected on the ground that none of the appellants/writ petitioners had the requisite qualification according to the advertisement which was published in pursuance to Rule 9 of the afore-noted Recruitment Rules of 2015.
4. The contention of the writ petitioners before the learned Single Judge was that in one of the cases of the Supreme Court, viz., Bharathidasan

University Vs. All India Council for Technical Education; (2001) 8 SCC 676, the Supreme Court had observed that one need not always insist for recognition by A.I.C.T.E. or Deemed University under the U.G.C. Act.

5. The learned Single Judge rejected the aforesaid contention on the ground that the advertisement, which had been published for the purposes of recruitment, was in terms of Rule 9 of the Recruitment Rules of 2015.

6. From the learned Single Judge's order, it appears that the aforesaid advertisement was never challenged. However, the learned counsel for the appellants submits that it was challenged before a Bench of this Court, but no decision was given on the aforesaid challenge.

7. Admittedly, none of the appellants have the qualification to be considered for the post in question.

8. We do not find any folly with the order passed by the learned Single Judge.

9. The appeal is dismissed, but without any order as to cost.