

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.616 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 16253 of 2015**

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1. Ram Nandan Prasad Singh @ Dr. Ramnandan Prasad Singh, Son of Late Ramlekha Mahto, resident of At -Garibnagar, Post - Kawadpur, P.S. Suryagarha, District - Lakhisarai
 2. Binay Kumar @ Dr. Vinay Kumar, Son of Sri Brahma Deo Paswan, resident of At - Nanhku Mandal Tola, P.O. Durgaour, P.S. M. Khagaria, District - Khagaria
 3. Md. Salah Uddin, Son of Md. Muslim, resident of Mohalla - Hajipur Ward No. 17 Post - Khagaria District Khagaria
 4. Anil Kumar Ranjan @ Dr. Anil Kumar Ranjan, Son of Late Siro Mandal resident of At - Dukhatola Post - Maheshkhund, P.S. Gogri District - Khagaria
 5. Anand Kumar Singh @ Dr. Anand Kumar Singh, Son of Shri Sadanand Singh resident of village + P.O. Dumra, P.S. Bhawanipur (Rajdham), District Purnea

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department Bihar, Patna
2. The Additional Secretary, Education, Department Bihar, Patna
3. The Bihar Public Service Commission, Patna through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna 1
4. The Chairman Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna 1
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna 1
6. Dr. Shanker Kumar Mishra, Son of Sri Brahma Deo Mishra resident of village - Karama, Post Bhagalpur, P.S. Pureni, District - Madhepura

.... Respondent/s

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Appearance :

For the Appellants : Mr. Vijay Shankar Shrivastava, Advocate



For the B.P.S.C. : Mr. Pushkar Narain Sahi, Sr. Advocate
For the State : Mr. Sanjay Pandey, Advocate
For the Intervener : Mr. Kumar Brijnandan, Advocate
Mr. Tarees Hameed, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 09-01-2017

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 29th of January, 2016 in C.W.J.C. No. 16253 of 2015 whereby, the writ application filed by the appellants was dismissed.

3. An appeal against the said judgment by one of the writ-applicant namely Dr. Shanker Kumar Mishra bearing L.P.A. No. 511 of 2016 stands allowed by the Division Bench on 21st of September, 2016 with the following observations:-

“43. In the result, we have no hesitation in holding that the present appellants have been wrongly debarred from appearing in the interview on the basis of the impugned order, which is based on unsound rationale and mis-appreciation of law. However, since the selection process has, now, come to an end, no positive direction would be appropriate in the interest of justice.

44. In view of the above, the appeals are allowed. The impugned order, dated 10.04.2015, is hereby set aside.”

4. The appellants are the other writ applicants in the



writ application which was dismissed on 29th of January, 2016.

5. The Letters Patent Appeal against the said judgment filed by a co-applicant namely Dr. Shanker Kumar Mishra has been allowed on 21st of September, 2016. Therefore, the present appeal is allowed in the same terms as Dr. Shanker Kumar Mishra's case (Supra).

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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