

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.187 of 2015**

**IN**

**LPA 1013 of 2014**

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Awdhesh Nandan Sinha Son of Sri Dev Sharan Sinha, Resident of House No. 41,  
Road No. 10, Mohalla - Indrapuri, Police Station- Patliputra Patna, District - Patna.

.... .... Petitioner/Appellant/Petitioner

Versus

1. The State of Bihar Through The Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Department of General Administration (Earlier Personnel and Administrative Reforms), Government of Bihar, Old Secretariat Patna.
3. The Bihar Public Service Commission through the Secretary Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission Bailey Road, Patna.
5. The Examination Controller, Bihar Public Service Commission Bailey Road, Patna.
- 5(a) The Joint Secretary, Department of General Administration Government of Bihar, Old Secretariat, Patna.

---- Respondents/Opp. Parties

6. Dharamveer Prasad, Son of Sri Baiju Sahoo, Resident of Village and Post Office - Salempur, Police Station - Benipatti, District - Madhubani, at present posted as Assistant, Department of Animal Husbandry, Government of Bihar, Vikash Bhawan, Patna.

---- Respondent 2<sup>nd</sup> Set/Respondent in  
Representative Capacity/Opp. Parties

7. Amiya Ranjan Pushp, Son of Late Nityadeo Prasad, resident of mohalla - Janakpur, Buniyadganj, Police Station - Gaya Muffasil, District - Gaya.

----- Petitioner/Proforma Respondent/  
Proforma Opp. Parties

8. Amarjeet Prasad, Son of Sri Ramprit Prasad, resident of Nagla Main Road Malasalami, Police Station - Malasalami Patna City, District - Patna.
9. Ashok Kumar Singh, Son of Late B.N. Singh, Resident of Flat No. 201(B), Girja Gardan Apartment, Punaichak Patna, Police Station - Shastrinagar, District - Patna.

.... .... Petitioners/Appellants/  
Proforma Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Navendu Kumar, Adv.  
For the State : Mr. Vinay Kr. Pandey, AC to GA-3  
For BPSC : Mr. Sanjay Pandey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)**

**Date: 13-12-2017**



**I.A. No. 8035 of 2015**

For the reasons mentioned in this application, the prayer made therein is allowed and the delay, in the filing the present civil review application, is condoned.

Accordingly, I.A. No. 8035 of 2015 stands allowed.

Heard learned counsel for the petitioner and counsel for the State.

The petitioner has filed the present review application for reviewing the order dated 8.4.2015 passed by the Division Bench in L.P.A. No. 1013 of 2014 but during argument, learned counsel for the petitioner has submitted that following portion of the order;

*“----- There is no justification for the State to make an attempt to provide reservation only in respect of 20 % of the vacancies, simply because, the process of appointment is different.*

*We have already taken the view that filling of post of 20% vacancies of Section Officers cannot be treated as appointment simplicitor and it is hybrid process of appointment and promotion.*

*Learned Single Judge has analyzed the relevant provisions of law and, in our view, has arrived to the correct conclusion.*

*Accordingly these appeals are dismissed.*

*Before parting with the case, we are compelled to observe that the recruitment to the post of Section Officer in the Secretariat which are important in*



*handling the files of entire set up was held up and was not taken up by the Government for a few years and thereafter it remained incomplete almost for half a decade. The result is that the work has suffered a serious set back.*

*It is hoped that the selection process will be completed within four weeks from today. This shall take place irrespective of stay order passed by the Single Bench, not by the Division Bench.”*

requires clarification that it should be read in prospective.

The order is very much clear. It does not require any clarification. This Court does not find any error on the face of record. Accordingly, this review application is dismissed.

**(Shivaji Pandey, J)**

**(Rajeev Ranjan Prasad, J)**

Rishi/-

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