

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1217 of 2019

Prakash Chandra (Male) aged about 38 years, son of Late Upendra Prasad Singh, Resident of Main Road, Ward No. 42, Balbhadarpur, Belwaganj, P.S. Laheriasarai, Darbhanga- 846001 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, Law Department, Government of Bihar, Patna.
4. The Hon'ble High Court of Judicature at Patna through the Learned Registrar General, Patna High Court, Patna.
5. The Learned Registrar General, Hon'ble High Court of Judicature at Patna, Patna High Court, Patna.
6. The Bihar Public Service Commission through its Chairman, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
7. The Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
8. The Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna-800 001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1330 of 2019

Smriti Verma, aged about 33 years (female), D/O Tarkeshwar Prasad, Resident of Village- Alisarai, P.O.-Machhahi P.S.-Sakra, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

1. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
2. The Joint Secretary-Cum-Controller of Examination, Bihar Public Service Commission, Bailey Road, Patna.
3. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The High Court of Judicature at Patna through the Registrar-General, Patna High Court Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1289 of 2019

1. Gaurav Kumar, Male, aged about 26 years, son of Late Awadhesh Kumar Sinha, Resident of Near Jagdamba Sthan, Village- Karhari, P.S. Bhagwanpur, Distt- Vaishali, Pin 844114
2. Mani Pratap, Male, aged about 32 years, son of Late Madan Prasad Yadav, Resident of At and P.O. Nandlali, Via Panchgachia, P.S. Birha, District- Saharsa, Pin - 852124



3. Himanshu Bhargav, Male, aged about 25 years, son of Mukti Narayan Pandey
Resident of Village- Marauna, P.O. Durgadih, P.S. Bikramganj, Distt. Rohtas,
Pin- 802212

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Law Department, Bihar Patna.
2. Bihar Public Service Commission, Patna through its Secretary Bihar.
3. Chairman, Bihar Public Service Commission, Patna.
4. Secretary, Bihar Public Service Commission, Patna.
5. Controller of Examinations, Bihar Public Services Commission, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 1684 of 2019

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1. Mayuri Gupta, aged 25 years, Gender- Female, daughter of Ashit Kumar Gupta, Resident of No.1 Colony, Durgasthan, P.S. Katihar Town, Dist.- Katihar.
2. Pratiksha Kumar aged 26 years, Gender-Female, daughter of Ajit Kumar Chandra, Village-Chandra Bigha Mari, P.S. Den, Distt.-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of General Administration Department Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna.
3. The Bihar Public Service Commission through its Secretary, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna
4. The Joint Secretary-cum-Controller of Examination, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2503 of 2019

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1. Subodh Kumar Rai aged about 40 years (M), son of Shri Mewalal Rai Resident of Village- Keshopur, P.S.- Vaishali, District- Vaishali.
2. Himanshu, aged about 36 years (M), son of Late Arvind Kishor Rai, Resident of Mohalla 25 Bajrangnagar, P.S.- Krishna Nagar Lucknow (U.P.)

... .. Petitioner/s

Versus

1. The Chairman Bihar Public Service Commission Bihar, Patna.
2. The Examination Controller, Bihar Public Service Commission, Bihar, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2178 of 2019

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1. Ajay Raj, aged about 30 years, Male, son of Ashok Raj R/o-Pathrighat, Tripoliya, Gulzarbagh, P.S.-Alamganj, District-Patna.



2. Kumar Abhishek, aged about 30 years, Male, son of Ashok Kumar Singh, R/o-Village Hazipur, P.S.-Barauni, Dist.-Begusari, Bihar.
 3. Angika Jaiswal, aged about 30 years, female, daughter of Vijay Jaiswal R/o Pathrighat, Tripoliya, Gulzarbagh, P.S. Alamganj, District-Patna.
 4. Kumar Sashi, aged about 30 years, Male, son of Sri Bindeshwar Ram, R/o-Vill-Kasba Ahar, P.O.-P.S.-Tajpur, Dist-Samastipur, Bihar.
 5. Suryamani Singh, aged about 35 years, Male, son of Mahendra Kumar Singh At -Jorapur, Post-Pachuri, P.S.-Biharsharif.
 6. Yashmeen Pervin, @ Yashmeen Praveen, aged about 26 years, Female, daughter of Noorul Hoda R/o-Sultanganj, Mewa Saw, Lane East of R.K. Plaza, Shiv Mandir, Bihar-800006. District-Patna.
 7. Shakti Kumar Gaurav, aged about 29 years, Male, son of Satish Kumar Das, R/o-S.S. Empire Apartment, Flat no. 205, Gosai Tola Road, P.O. and P.S.-Patliputra, District-Patna.
 8. Deepmala Kumari, aged about 31 years, Female, daughter of Rajeshwar Prasad Yadav, R/o G-1, Gangotri Apartment, Exhibition Road, Phulwari, District-Patna.
 9. Manmohan Ram, aged about 31 years, Male, son of Mishri Ram, R/o Ekauna, District-Buxar, Bihar.
 10. Rashmi Roy, aged about 41 years, Female, W/o Sunny Anand, R/o Anand Bhawan Khajpura, B.M.P. Road, B.V. College, District-Patna.
 11. Nisha, aged about 30 years, Female, daughter of Arun Kumar Singh, R/o-101, Indra Darbar, Saket Vihar, Hermu, District-Ranchi, Jharkhand.
 12. Rupesh Kumar, aged about 27 years, Male, son of Ganesh Choudhary R/o Vill-Rahta, P.S.-Kumarkhand, District-Madhepura, Bihar.
 13. Gopal Kumar, aged about 31 years, Male, S/o Sheo Bachan Prasad, Navin Nagar Nawada, P.S.-Gondapur, Nawada.
 14. Sonu Kumar Das, aged about 29 years, Male, S/o Subhash Prasad R/o-Adarsh Nagar, Chauradhano. P.S.-Belwa (Bhelwa), Chauradhano,, East Champarn.
- Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1722 of 2019

Reena Kumari, aged about 31 years, Female, wife of Pankaj Kumar, resident of Village- Bishwar P.S- Guthani, District- Siwan.

... .. Petitioner/s

Versus

1. The Honble High Court Patna
2. The Registrar, Patna High court, Patna
3. The State of Bihar through Principal Secretary, General Administration Department, Govt. of Bihar, Patna
4. The Principal Secretary, General Administration Department, Govt. of Bihar Patna.
5. The Secretary, Law Department Cum Legal Remembrancer, Government of Bihar, Patna.
6. The Bihar public service Commission, Patna through its Secretary.



7. The Chairman, Bihar Public service Commission, Patna.
8. The Secretary, Bihar Public service Commission, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1262 of 2019

Ravi Kant Bharti, aged about 28 years, Male, son of Sri Ramchandra Prasad Bharti, Resident of Bharti Niwas, Budh Marg, New Damaria, P.O.- Anishabad, P.S.- Gardanibagh, District- Patna (Bihar)- 800002

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, General Administration, Govt. of Bihar, Patna
3. The Principle Secretary, Personnel and Administrative Department.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna
5. The Secretary, Bihar Public Service Commission, Bailey Road, Patna
6. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.
7. The High Court of Judicature at Patna through its Registrar General, Patna High Court, Patna.
8. The Registrar General (Administration), Patna High Court, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2704 of 2019

Chanchal Kumari @ Chanchala Devi, aged about 40 years, Female, wife of Sanjeev Sharma Resident of Shahpur, PS. Danapur, Dist.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Bihar Public Service Commission through its Chairman, 15 Jawaharlal Marg, Patna.
3. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.
4. The Joint Secretary cum Controller of Examination, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna
5. Officer of Special Deputy Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3312 of 2019

Garima Kumari, aged about 28 years, Female, D/o Late Uday Shankar Singh Resident of Mohalla-Vijay Nagar, Lane No.7, Rukanpura, P.O.-B.V. College, P.S. Rupaspur, Dist.-Patna

... .. Petitioner/s

Versus

1. The Chairman, Bihar Public Service Commission 15. Jawahar Lal Nehru Marg, Bailey Road, Patna



2. The Joint Secretary-cum-Controller of Examination Bihar Public Service Commission, Bailey Road, Patna
3. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar
4. The High Court of Judicature at Patna through the Registrar General, Patna High Court, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2950 of 2019

Abhilasha Singh, aged about 39 years, female, D/o of Ravindra Kumar,
Resident of Village- Balbhadrapur, P.S.- Balbhadrapur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Patna.
2. The Secretary, Law Department, Bihar, Patna.
3. The Hon'ble Patna High Court through the learned Registrar General, Patna High Court, Patna.
4. The learned Registrar General, Hon'ble High Court of Judicature at Patna.
5. The Bihar Public Service Commission through its Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
6. That Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
7. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1217 of 2019)

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the State : Mr. Partha Sarthi (GA 4)

For the High Court : Mr. Piyush Lall, Advocate

(In Civil Writ Jurisdiction Case No. 1330 of 2019)

For the Petitioner/s : Mr. Sunil Kumar Verma, Advocate

For the Respondent/s : Mr. P.K. Verma (AAG3)

For the High Court : Mr. Piyush Lall, Advocate

(In Civil Writ Jurisdiction Case No. 1289 of 2019)

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s : Mrs. Kumari Amrita (GP 3)

(In Civil Writ Jurisdiction Case No. 1684 of 2019)

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Respondent/s : Mr. Md. N.H. Khan (SC1)

(In Civil Writ Jurisdiction Case No. 2503 of 2019)

For the Petitioner/s : Mr. Uday Prakash Shrivastava, Advocate

For the BPSC : Mr. D. K. Sinha, Senior Advocate

Mr. Anil Kr. Singh No.1.

(In Civil Writ Jurisdiction Case No. 2178 of 2019)

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Respondent/s : Mr. P. K. Verma (AAG 5)

(In Civil Writ Jurisdiction Case No. 1722 of 2019)

For the Petitioner/s : Mr. Diwakar Yadav, Advocate

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



For the High Court : Mr. Piyush Lall, Advocate
(In Civil Writ Jurisdiction Case No. 1262 of 2019)
For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
Mr. Pawan Kumar Singh, Advocate
Mr. Rajesh Kumar, Advocate
For the State : Mr. Partha Sarthy, G.A. 4
Mr. Mrigendra Kumar, AC to GA 4
For the High Court : Mr. Piyush Lall, Advocate
For the BPSC : Mr. D. K. Sinha, Senior Advocate
Mr. Sanjay Pandey, Advocate
(In Civil Writ Jurisdiction Case No. 2704 of 2019)
For the Petitioner/s : Mr. Sangiv Kumar, Advocate
For the Respondent/s : Mr. Partha Sarthi (GA 4)
(In Civil Writ Jurisdiction Case No. 3312 of 2019)
For the Petitioner/s : Mr. Sunil Kumar Verma, Advocate
For the Respondent/s : Mr. Manish Kumar (GP4)
For the High Court : Mr. Piyush Lall, Advocate
For the BPSC : Mr. Sanjay Pandey, Advocate
(In Civil Writ Jurisdiction Case No. 2950 of 2019)
For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr. Md. Md. Irshad, AC to SC 1
For the Commission : Mr. D. K. Sinha, Senior Advocate
Mr. Sanjay Pandey, Advocate
For the High Court : Mr. Piyush Lall, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-02-2019 The challenge raised in this batch of petitions relates to calling of the number of candidates as per Rule 5 A (3) of the Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955 that was taken up for consideration by the Apex Court in a Writ Petition being Writ Petition (Civil) No (S) 71/2019 (**Rahul Dutta & Ors. Vs. State of Bihar and Ors**) filed under Article 32 of the Constitution of India. The Apex Court by it's recent decision dated 14th February, 2019 in the said case has struck down the said prescription as being contrary to the view



expressed by the Apex Court in the case of **Malik Mazhar Sultan & Anr. Vs. U.P. Public Service Commission & Ors.**, reported in **(2018) 7 SCC 703** and further observations have been made relating to the fixing of minimum passing cut-off marks vis-a-vis, the preliminary examination.

The Judgement is extracted hereinunder for ready reference:-

1. Writ Petition. (Diary No.5352/2019) is taken on Board.

2. In the writ petitions filed under Article 32 of the Constitution of India, with respect to the examination of Civil Judge (Junior Division) the candidates are aggrieved by action that has been taken to call 10% of the candidates who have appeared in the preliminary examination would qualify for the final examination.

3. Their main submission is that as per the decision of this Court in Malik Mazhar Sultan (3) and Another v. Uttar Pradesh Public Service Commission and Others, (2008) 17 SCC 703, vacancies have to be filled up by holding preliminary examination and then final written examination followed by viva voce. As per the directions issued by this Court, for the purposes of Civil Judge(Junior Division) by direct recruitment, declaration of the result of the preliminary written examination for calling candidates for final written examination has to be in the ratio of 1:10 of the available vacancies to the successful



candidates.

4. Rule 5A of The Bihar Civil Service (Judicial Branch)(Recruitment) Rules, 1955 (hereinafter referred to as 'the Rules')has been inserted vide Notification dated 28.12.2016, same is extracted hereunder:-

“5A. (1)The Commission may take a Preliminary Test in the event of the number of eligible candidates to be admitted to the written examination being, in its judgment, inordinately large.

(2) The Preliminary test shall comprise two papers – Paper I of General Studies carrying 100marks, and Paper II of Law carrying 150 marks. The papers will consist of objective questions of multiple choice, one being the correct answer. OMR Answer Sheets shall be used and evaluated by computer in the Commission's premises. The Syllabi for the two papers shall be the same as prescribed for General Knowledge and General Science and the Law Papers in the written examination, respectively.

(3) Eligible candidates for the written examination shall be selected on the basis of the result of the Preliminary Test, to the extent of 10% of the total number of appeared candidates, rounded off to the nearest hundred; and all candidates obtaining equal marks as the last candidate's shall also qualify for the written examination;

Provided that in the event of candidates from the reserved categories, other than the General category, falling short of the percentages fixed for them in the State Government Services under the relevant Act vis-a-vis the total number of successful candidates in the Preliminary Test, so many candidates from those categories shall be additionally included, to the extent



of the deficit, as per their respective merit, in the list of the successful candidates to take the written examination.”

5. No doubt about it that Rule 5A(3) clearly provides that only10% of the total number of candidates appeared have to be called for final written examination as per the rounding off provided in rule 5A(3) of the Rules.

6. After hearing learned counsel for the parties at length, **we are of the considered opinion that the aforesaid Rule 5A is in violation to what has been laid down by this Court in Malik Mazhar Sultan (supra).** In which this Court has observed, on the basis of the proposal which was not objected to. This Court has specified the ratio of calling the candidates for final examination after preliminary examination for Civil Judge (Junior Division) by direct recruitment as under:-

“D. For appointment to the posts of Civil Judge(Junior Division) by direct recruitment

SL. No	Description	Date
7	Declaration of result of preliminary written examination a] Result may be put on the website and also published in the Newspaper b] The ratio of 1 : 10 of the available vacancies to the successful candidates be maintained	15 th June

8.These directions would not be applicable to the judiciary in the Sikkim High Court in view of a very



small cadre of judiciary in that State.”

7. The fixation of 10% of the total number of appeared candidates in preliminary examination to be called for final written examination is otherwise also arbitrary and unreasonable as the same substantially restricts the number of candidates to stake their claim in the final examination. By virtue of the operation of the Rule for 349 available seats total number of candidates being called for final written examination of General Category is 902 and for reserved categories it is 198 and the total number is 1100. The number of seats reserved out of 349 is 50% on rounded off comes approximately to 174 seats. The number of reserved category candidates being called to stake their claim in their final examination is nearly 198 only. The ratio approximately is 1:1 whereas it has to be 1:10. Whereas in unreserved category the total number of candidates called by operation of the aforesaid Rule 5A(3) is 902. For approximately 175 seats reserved for General Category the number of candidates which are refixed to be called is in the ratio of 1:10 to the number of vacancies would be 1750, so also for reserved category. **Thus, we are of the opinion that the aforesaid Rule is clearly arbitrary and violates the decision of this Court in Malik Mazhar Sultan (supra) on restrict competitive field unreasonably. No useful purpose is going to be served by restricting the number of candidates for final written examination.**

8. Apart from that there is yet another glaring error in the Rule that no minimum passing marks have been prescribed in preliminary examination. The ratio of 1:10 is only applicable when these number of



successful candidates are available and obtaining of the minimum passing marks in preliminary examination should be necessary, out of the successful candidates available out of them in the ratio of 1:10 are required to be called for final written examination. The candidates with minimum passing marks only can be permitted to stake their claim in the final examination. It is assured by the all concerned stakeholders i.e. State of Bihar, High Court of Patna as well as the Bihar Public Service Commission that they would ensure the minimum passing marks are fixed under the Rules for preliminary examination separately for general as well as for reserved category in a reasonable manner. Let that be done for future examination. However, for the examination in question, it would not be appropriate to fix the marks now after examination is over.

9. For final written examination in case 10% candidates are called vis-a-vis to the available vacancies the cut off marks percentage-wise for different categories, as tentatively calculated by the Bihar Public Service Commissions is as under:-

“No. of Candidates proposed to be qualified for the Main Examination according to 10% of the total number of appeared candidates rounded off to nearest 100 (without 5%less rider):

Category	% of Reservation	No. of Male Candidates	No. of Female Candidates	Total No. of Candidates
Unreserved(01)	50%	648 Cut Off Marks: 171 (68.95%)	332 Cut off Marks:163 (65.72%)	980
SC (02)	16%	191 Cut Off Marks:124 (50.00%)	102 Cut Off Marks:103 (41.53%)	293



ST (03)	1%	12 Cut of Marks:135 (54.43)	06 Cut of Marks: 119 (47.98%)	18
EBC (04)	21%	251 Cut of Marks: 129 (52.01)	125 Cut Off Marks: 109 (43.95%)	376
BC (05)	12%	99 Cut Off Marks: 154 (62.09%)	55 Cut Off Marks: 144 (58.06%)	154
Orthographically Handicapped (OH)	1% out of total vacancies	18	04	22 Cut of Marks: 147 (59.27%)
Total	-	1219	624	1843

10. As apparent from the above table, cut off marks are not going very low obviously the data provided is provisional one and is subject to corrections of error, if any, in calculating the percentage or the number of candidates in the category of male or female etc. **The cut off is quite reasonable and the aforesaid deficiency in Rule of not prescribing the passing marks in the preliminary examination would not cause any invalidity in the examination already held in any manner whatsoever.** However, this fixation of cut off marks by the Bihar Public Service Commission and permission granted by this Court to call the aforesaid candidates **would not be treated as deciding the question minimum passing marks for preliminary examination which have to be fixed by the State Government under the Rules.**

11. In the circumstances, we have no hesitation to strike down the provision contained in Rule 5A(3) of the Rules. We place it on record that the **State of Bihar has also suggested the amendment in the Rules in the letter dated 15.01.2019 and the same is pending consideration before the High Court and it has to be placed before the Full Court on administrative side. Let the High Court**



take a decision in accordance with law on the aforesaid proposal and also duly considering the decision of this Court in Malik Mazhar Sultan(supra).

12. With respect to the prayer made in the writ petition(s), with respect to providing horizontal reservation to the women candidates it is being provided. Thus, the submission raised about providing horizontal reservation does not survive.

13. In the circumstances, as the examination is scheduled to be held on 20.02.2019, as Bihar Public Service Commission has submitted that now under this order candidates equal to 10 times of the vacancies have to be called, it would take some time in dispatch of roll numbers, allotment of centre and making other arrangements. Let final written examination be held within six weeks from today. In case it is necessary to pray for extension of time fixed by this Court for final selection, it is open to the High Court of the State of Bihar to apply for extension of time before an appropriate Bench.

14. Resultantly, Rule 5A(3) of the Rules is struck down and the writ petitions are, accordingly, allowed. We make it clear that we are not dilating upon the other questions as the High Court is considering the proposal for amendment in the Rules.

15. Pending application (s), if any, shall stand disposed of.”

In view of the matter having been dealt with by the Apex Court, we see no reason to keep these matters pending as in view of what has been stated before the Apex Court, the



consideration with regard to minimum cut-off marks is likely to be taken up by the Full Court of the High Court in its next meeting.

In the background aforesaid, the reliefs as prayed for at present stand satisfied and concluded without prejudice to the rights of any person to challenge any other issues arising in relation thereto or pending in any other petition before this Court.

All these petitions are, therefore, consigned to records with the said observations.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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