

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1199 of 2018

In
Civil Writ Jurisdiction Case No.12571 of 2014

-
1. Upendra Kumar Son of late Kamta Prasad resident of Kadamkuan, Gola Road, Nawada, District- Nawadha, Bihar.
 2. Ajit Kumar Singh Son of late Sheodhari Singh resident of Priyadarshi Nagar, Bailey Road, Danapur, Patna.
 3. Sanjay Kumar Sinha Son of Shri Ram Prasad Singh Resident of Rajendra Nagar, District- Nawada.
 4. Kabindra Kumar Son of late Upendra Mandal resident of C/o Sushila Niketan, New Punaichak, Patna.
 5. Manoj Kumar Sinha son of late Siddheshwar Prasad resident of Shitalgarh, P.S- Paras Bigha, District- Jehanabad.
 6. Kumar Vijayendra Son of Shri Anjani Kumar Sinha resident of Bikramganj, District- Rohtas.
 7. Sanjeev Kumar Singh son of Madhusudan Prasad Singh resident of Dollar Houce Chouk, Sipahitola, Purnia.
 8. Devesh Narayan Thakur Son of Virendra Thakur resident of village Manghaul, District- Begusarai.
 9. Binod Kumar Son of late Kuldeep Bhagat resident of village- Bihta, P.O. Sheikhoura, District Aurangabad.
 10. Navkant Choudhary Son of Fulesh Choudhary resident of Quarter No. 76/800, Shashtri Nagar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Bihar Public Service Commission, through its Chairman, Patna.
6. The Chairman Bihar Public Service Commission, Patna.
7. The Secretary, Bihar Public Service Commission, Patna.
8. The Joint Secretary- cum- Officer on Special Duty-cum- Examination Controller, Bihar Public Service
9. Ramesh Kumar Pandey Sl.No. 1 S/o name not known to the petitioner, presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna
10. Amit Kumar Mishra Sl. No. 1 S/o name not known to the petitioner, presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna, Bihar.



11. Avinash Kumar Jha Sl.No.3 S/o name not known to the petitioner, presently posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Bihar, Patna.
12. Alok Chandra Kuswaha Sl. No.-4 S/o name not known to the petitioner, presently posted as Section Officer, Office of Advocate General, Govt. of Bihar, Patna High Court, Patna.
13. Prabhat Kumar Sl. No. 5 S/o name not known to the petitioner, presently posted as Section Officer, Co-operative Department, Govt. of Bihar, New Secretariat, Bihar, Patna.
14. Sunil Kumar Sl No. 6 Son of not known to the petitioner presently posted as Section Officer, DGP Office, Govt. of Bihar, Old Secretariat, Patna.
15. Sanjay Kumar SinhaSl. No. 7 S/o name not known to the petitioner presently posted as Section Officer, Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
16. Ajay Prakash Sl. No. 8 S/o name not known to the petitioner, presently posted as Section Officer, Animal Husbandry and Fishery Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna.
17. Raj Kumar JhaSl. No. 9 S/o name not known to the petitioner presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
18. Yashbir SinghSl. No. 10 S/o name not known to the petitioner presently posted as Section Officer, Public Health and Engineering Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
19. Birjnandan Paswan Sl. No. 11 S/o name not known to the petitioner, presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Bihar, Patna.
20. Mintu Kumar Sl. No. 12 S/o name not known to the petitioner presently posted as Section Officer, Labour Resource Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
21. Ritesh RanjanSl. No. 13 S/o name not known to the petitioner, presently posted as Section Officer, Rural Works Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
22. Sanjiv KumarSl. No. 14 S/o name not known to the petitioner, presently posted as Section Officer, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
23. Sanjay Kumar SinghSl. No. 15 S/o name not known to the petitioner, presently posted as Section Officer, Revenue and Land Department Department, Govt. of Bihar, Old Secretariat, Patna.
24. Ram Babu SinghSl. No. 16 S/o name not known to the petitioner presently posted as Section Officer, Minor Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
25. Bhawesh Kumar SardarSl. No. 17 S/o name not known to the petitioner, presently posted as Section Officer, Home Special Department, Govt. of Bihar, Old Secretariat, Patna.
26. Nityanand SinghSl. No. 18 S/o name not known to the petitioner, presently posted as Section Officer, Planning and Development Department, Govt. of



Bihar, Old Secretariat, Patna.

27. Sudhakar Jha Sl. No. 19 S/o name not known to the petitioner, presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
28. Dipak Kumar Sl. No. 20 S/o name not known to the petitioner, presently posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
29. Uday Kumar Sl. No. 21 S/o name not known to the petitioner presently posted as Section Officer, Cooperative Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
30. Indua Bhusan Singh Sl. No. 22 presently posted as Section Officer, Panchayati Raj Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
31. Anand Kishore Jha, Sl. No. 23 presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
32. Pramod Kumar Ram, Sl. No. 24 presently posted as Section Officer, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna.
33. Rajiv Ranjan Tiwari, Sl. No. 25 presently posted as Section Officer, Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
34. Sanjay Kumar Mishra presently posted as Section Officer, Bihar Rajya Suchna Ayog, Suchna Bhawan, Bailey Road, Patna.
35. Rajeev Kumar, Sl. No. 27 presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
36. Aditya Prakash Sl. No. 28 presently posted as Section Officer, Urban Development and Housing Board, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
37. Anjan Kumar Gupta, Sl. No. 29 presently posted as Section Officer, Information Technology Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bhailey Road, Patna.
38. Jatta Shankar Jha, Sl. No. 30 presently posted as Section Officer, Advocate General Office, Patna High Court, Patna.
39. Krishna Gopal, Sl. No. 31 presently posted as Section Officer, Water Resource Department, Govt. of Bihar, Sinchai Bhawan, Patna.
40. Ajit Kumar ,Sl. No. 32 presently posted as Section Officer, Abhiyojan Nideshalay, Home Department, Govt. of Bihar, Old Secretariat, Patna.
41. Sumanjay Kumar, Sl. No. 33 presently posted as Section Officer, Animal Husbandry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
42. Jitendra Kumar, Sl. No. 34 presently posted as Section Officer, Parliamentary Work Department, Govt. of Bihar, Old Secretariat, Patna.
43. Shailendra Jha, Sl. No. 35 presently posted as Section Officer, Commissioner Office, Magadh Commissioner, Gaya
44. Sunita Kumari, Sl. No. 36 presently posted as Section Officer, Public Health



- and Engineering Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
45. Jitendra Ojha (Sl. No. 37) presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
 46. Arvind Kumar Jha (Sl No. 38) presently posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
 47. Vijay Narayan Singh (Sl. NO. 39) presently posted as Section Officer, Water Resource Department, Govt. of Bihar, Sinchai Bhawan, Patna.
 48. Awdhesh Kumar, Sl. No. 40 presently posted as Section Officer, Cooperative Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
 49. Shankar Dayal (Sl. No. 41) presently posted as Section Officer, Labour Resource Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
 50. Md. Shahnawaj Rizwani , Sl. No. 42 presently posted as Section Officer, Minor Water Irrigation Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
 51. Md. Jamaluddin Anshari (Sl. No.- 43) presently posted as Section Officer, Home (Jail) Department, Govt. of Bihar, Old Secretariat, Patna.
 52. Pankaj Kumar Kamal (Sl. No. 44), presently posted as Section Officer, Disaster Management Department, Govt. of Bihar, Old Secretariat, Patna.
 53. Vijay Kumar (Sl. No.- 45) presently posted as Section Officer, Commercial Tax Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
 54. Baliram Prasad, Sl. No. 46 presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
 55. Ashutosh Kumar Pandey, Sl. No. 47 presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
 56. Rajnarayan Singh, Sl. No. 48 presently posted as Section Officer, DGP Office, Govt. of Bihar, Old Secretariat, Patna.
 57. Arun Kumar Srivastava (Sl. No. 49), presently posted as Section Officer, Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
 58. Padmanand Kumar (Sl. No. 50) presently posted as Section Officer, Rural Work Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
 59. Mukesh Prasad Singh (Sl. No. 51), presently posted as Section Officer, REvenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
 60. Manoj Kumar, Sl. No. 52 presently posted as Section Officer, Minority Department, Govt. of Bihar, Old Secretariat, Patna.
 61. Sushil Kumar Mishra (Sl. NO. 53) presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
 62. Rishikesh (Sl. No. 54) presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
 63. Anil Kumar Sinha, Sl. NO. 55 presently posted as Section Officer,



Commissioner Office, Saran Commissioner, Chapra

64. Sudip Kumar, Sl. No. 56 presently posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
65. Amrendra Kishor(Sl. No. 57) presently posted as Section Officer, Cooperative Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
66. Brajesh Kumar Dangi (Sl. No. 58) S/o Name not known to the Petitioner presently posted as Section Officer, Forest Department, Govt. of Bihar, Sinchai Bhawan, Patna.
67. Satyendra Kumar(Sl. No. 59) S/o name not known to the Petitioner presently posted as Section Officer, Animal Husbandry and Fisheries Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna.
68. Ray Amar Nath Sahay(Sl. No. 60) S/o name not known to the petitioner Patna High Court CWJC No. 12571 of 2014 dt. 31.07.2018 5/9 presently posted as Section Officer, Commissioner Office, Tirhut Commissioner, Muzaffarpur
69. Vinod Kumar Pathak(Sl. No. 61) S/o name not known to the Petitioner presently posted as Section Officer, Information and Public Relation Department, Govt. of Bihar, Suchna Bhawan, Bailey Road, Patna.
70. Manoj Kumar(Sl. No. 62) S/o Name not known to the petitioner presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
71. Anand Prakash (Sl. No. 63) S/o name not known to the petitioner presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
72. Alakh Niranjana Prasad (Sl No. 64) S/o name not known to the petitioner, presently posted as Section Officer, Public Health and Engineering Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
73. Shivji Singh(Sl. NO. 65) S/o name not known to the petitioner, presently posted as Section Officer, Labour Resources Department, Govt. of Bihar, Patna.
74. Manoj Kumar Manish(Sl. No. 66) S/o name not known to the petitioner, presently posted as Section Officer, Art Culture and Youth Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
75. Ashutosh Kumar(Sl. No. 67) S/o name not known to the petitioner, presently posted as Section Officer, DGP Office, Govt. of Bihar, Old Secretariat, Patna.
76. Nemani Das(Sl. No. 68) S/o name not known to the petitioner, presently posted as Section Officer, Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
77. Vinod Kumar (Sl. No. 69) S/o name not known to the petitioner, presently posted as Section Officer, DGP Office, Govt. of Bihar, Old Secretariat, Patna.
78. Rajiv Kumar Jha(Sl. NO. 70) S/o name not known to the petitioner, presently posted as Section Officer, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.



79. Pramod Kumar(Sl. No. 71) S/o name not known to the petitioner, presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
80. Satish Kumar(Sl. No. 72) S/o name not known to the petitioner, presently posted as Section Officer, Home (Special) Department, Govt. of Bihar, Old Secretariat, Patna.
81. Dipak Kumar(Sl. No. 73) S/o name not known to the petitioner, presently posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
82. Til Keshwar Jha(Sl. No. 74) S/o name not known to the petitioner, presently posted as Section Officer, Planning and Development Department, Govt. of Bihar, Old Secretariat, Patna.
83. Ras Bihari Upadhyay(Sl. No. 75) S/o name not known to the petitioner, presently posted as Section Officer, Cooperative Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
84. Jay Prakash (Sl. No. 76) S/o name not known to the petitioner, presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
85. Anjay Kumar(Sl. No. 77) S/o name not known to the petitioner, presently posted as Section Officer, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna.
86. Sunil Kumar Subandhu(Sl. No. 78) S/o name not known to the petitioner, Presently posted as Section Officer, Panchayati Raj Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
87. Arvind Kumar(Sl. No. 79) S/o name not known to the petitioner, presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
88. Sanjay Kumar(Sl. NO. 80) S/o name not known to the petitioner, presently posted as Section Officer, Rural Works Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
89. Arvind Kumar(Sl. No. 81) S/o name not known to the petitioner, presently posted as Section Officer, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
90. Sunil Kumar Singh(Sl. No. 82) S/o name not known to the petitioner, presently posted as Section Officer, Urban Development and Housing Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
91. Vinod Kumar(Sl. NO. 83) S/o name not known to the petitioner, presently posted as Section Officer, Information and Technology Department, Govt. of Bihar, Vishweswaraiya Bhwan, Bhailey Road, Patna.
92. Ramayan Ram(Sl. No. 84) S/o name not known to the petitioner, presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
93. Sanjay Prasad(Sl. No. 85) S/o name not known to the petitioner, Presently posted as Section Officer, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
94. Pawan Kishore(Sl. No. 86) S/o name not known to the petitioner, Presently



- posted as Section Officer, Industry Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
95. Rajeshwar Prasad Rajak(Sl. No. 87) S/o name not known to the petitioner, Presently posted as Section Officer, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
96. Mukesh Kumar Suman(Sl. No. 88) S/o name not known to the petitioner, Presently posted as Section Officer, Cooperative Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
97. Vinita Kumari(Sl. No. 89) S/o name not known to the petitioner, Presently posted as Section Officer, General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
98. Vijay Kumar(Sl. No. 90) S/o name not known to the petitioner, Presently posted as Section Officer, Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
99. Upendra Ram(Sl. No. 91) S/o name not known to the petitioner, Presently posted as Section Officer, Animal Husbandry and Fisheries Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna.
- 100 Chandrasekhar Prasad Rajak(Sl. No. 92) S/o name not known to the petitioner, Presently posted as Section Officer, Public Health and Engineering Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
- 101 Ashok Ram (Sl. No. 93) S/o name not known to the petitioner, Presently posted as Section Officer, Labour Resource Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
- 102 Vinod Kumar Prabhakar(Sl. No. 94) S/o name not known to the petitioner, Presently posted as Section Officer, Abhiyojan Nideshalay, Home Department, Govt. of Bihar, Old Secretariat, Patna.
- 103 Anil Kumar(Sl. No. 95) S/o name not known to the petitioner Presently posted as Section Officer, Food and Consumer Protection Department, Govt. of Bihar, Old Secretariat, Patna.
- 104 Bachu Das(Sl. No. 96) S/o name not known to the petitioner, Presently posted as Section Officer, Law Department, Govt. of Bihar, Old Secretariat, Patna.
- 105 Kiran Kumari(Sl. No. 97) S/o name not known to the petitioner, Presently posted as Section Officer, Building Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
- 106 Lal Bihari Paswan(Sl. No. 98) S/o name not known to the petitioner, Presently posted as Section Officer, State Election Commission, Govt. of Bihar, Sone Bhawan, R.Block, Patna.
- 107 Kunwar Kharwar(Sl. No. 99) S/o name not known to the petitioner, Presently posted as Section Officer, Bihar Staff Selection Commission, Veterinary College, Sheikhpura, Patna
- 108 Satyanarayan Gupta S/o name not known to the petitioner, Presently posted as Assistant- Health Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
- 109 Dilip Kumar Choudhary S/o name not known to the petitioner, Presently



- . posted as Assistant- State Food Commission (Food and Consumer Protection Department, Old Secretariat, Patna)
- 110 Satyajeet Kumar Pathak S/o name not known to the petitioner, Presently posted as Assistant- General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
111. Dharmveer Prasad S/o name not known to the petitioner, Presently posted as Assistant- Animal Husbandry and Fisheries Resources Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
- 112 Mukesh Kumar Verma S/o name not known to the petitioner, Presently posted as Assistant- Scheduled Caste and Schedule Tribe Welfare Department, Old Secretariat, Patna.
- 113 Satish Chandra Ray S/o name not known to the petitioner, Presently posted as Assistant- Road Construction Department, Govt. of Bihar, Vishweswaraiya Bhawan, Bailey Road,, Patna.
- 114 Mukesh Kumar Sharma S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
- 115 Kapildev Kumar S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
- 116 Anup Kumar S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
- 117 Harendra Kumar Manjhi S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
- 118 Manoj Kumar S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.
- 119 Milan S/o name not known to the petitioner, Presently posted as other service (on lien) through General Administration Department, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Advocate Mr. Ritesh Kumar, Advocate
For the State	:	Mr. P.K. Verma, AAG-3
For the B.P.S.C. :		Mr. Sanjay Pandey, Advocate
For Private Respondents :		Mr. Kumar Kaushik, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

5 15-11-2019 Learned counsel for the appellants seeks permission to withdraw the present appeal reserving liberty to file a review petition in accordance with law.

Prayer allowed.

The period for which the appellants have been pursuing the present appeal shall not be counted for the purposes of limitation.

We clarify that we have not dealt with the issue on merits.

The appeal stands disposed of as withdrawn with the liberty aforesaid.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

P.K.P./-

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