

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1355 of 2018

In
Civil Writ Jurisdiction Case No.7654 of 2017

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1. Maheshwar Sharma, Son of Pawan Kumar Thakur, resident of Mohalla-South East of Law College, Gannipur, P.S.- Kazi Mohammadpur, District-Muzaffarpur. Presently posted against the post of Junior Engineer, RWD Works Division, Motihari.
 2. Ram Nath Singh, Son of Late Jagat Singh, Resident of Village Soanbarsa, P.S.- Karath, District- Rohtash, Presently posted again the Post of Junior Engineer, RWD, Works Division, Banipatti, District- Madhubani.
 3. Molazim Ansari, Son of Rahim Hussain Ansari, resident of Village- Nauwa Tola, P.S.- Baghanpur Haat, District- Siwan, presently posted against the post of Junior Engineer, RWD Works Division, Madhubani.
 4. Sanjay Kumar Prasad, Son of Jai Narayan Prasad, resident of Village-Bagaha Bazar, P.O. and P.S.- Bagaha, District- West Champaran. Presently posted against the post of Junior Engineer, RWD Works Division, Madhubani.
 5. Md. Shafique Ansari, Son of Late Nek Mohammad Ansari, resident of Village- Khujhwa, P.S.- Raghunathpur, District- Siwan (Bihar), presently posted against the post of Junior Engineer, RWD Works Division, Biroul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Sri Anjani Kumar Singh, Government of Bihar, Patna, name of the father not known to the petitioner, Old Secretariat, Bihar, Patna.
2. The Secretary, Sri Binay Kumar, name of the father not known to the petitioner, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Sri Amrit Lal Meena, name of the father not known to the petitioner, Road Construction Department, Government of Bihar, Patna.
4. The Principal Secretary, Sri Arun Kumar Singh, name of the father not known to the petitioner, Water Resources Department, Government of Bihar, Patna.
5. The Principal Secretary, Sri Amir Subhani, name of the father not known to the petitioner, General Administration Department, Government of Bihar, Patna.
6. The Principal Secretary, Smt. Anshuli Arya, name of the father not known to the petitioner, Science and Technology Department, Government of Bihar, Patna.
7. The Director, Sri Atul Sinha, name of the father not known to the petitioner, Science and Technology Department, Government of Bihar, Patna.
8. The Bihar Public Service Commission through its Chairman, Sri Alok Kumar Sinha, name of the father not known to the petitioner, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.



9. The Staff Selection Commission through its Chairman, Sri Sanjeev Kumar Sinha, name of the father not known to the petitioner, Veterinary College, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Y.V. Giri, Sr. Adv. Mr. Alok, Adv.
For the Opposite Party/s :	Mr. Mrityunjay Kumar, AC to AAG-6.
For the Opp Party-BSSC:	Dr. Ratan Kumar, Adv.
For the Opp. Party-BPSC:	Mr. Sanjay Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 24-04-2019

Heard Mr. Y.V. Giri, learned senior counsel appearing for the petitioners with Mr. Alok, the Advocate on record, Mr. Mrityunjay Kumar, learned Assisting Counsel to Additional Advocate General No.6 for the State, Dr. Ratan Kumar, learned counsel appearing for the Staff Selection Commission and Mr. Sanjay Pandey, learned counsel appearing for the Bihar Public Service Commission.

The writ petition was disposed of with a direction to the Committee, Chaired by the Chief Secretary to examine the claim of the petitioners for promotion under the 10% quota and take a final decision as to whether the A.M.I.E. qualification possessed by the petitioners from the Karnataka State Open University, Mysore would qualify them for such promotion and whether it is equivalent to a similar qualification obtained from Ludhiana by the petitioner in CWJC No.16304 of 2016.

An order was passed in a meeting held on 08.03.2018 and while it does not satisfy the petitioners, Mr. Mrityunjay Kumar, learned



Assisting Counsel to Additional Advocate General No.6 invites my attention to Agenda Resolution No.1(ii) to submit that the case of the petitioners was discussed and the qualification obtained by the students from Karnataka State Open University, Mysore by distant education was held not sufficient for the purpose of promotion.

According to Mr. Giri, learned senior counsel appearing for the petitioners, it is the situation discussed at Agenda No. 2 which actually applies to the case of the petitioners but it is carving an artificial distinction that the petitioners have been denied their justful claim.

Be that as it may, since this Court while disposing of the writ petition did not express itself on merits rather required the committee to consider claim of the petitioners for promotion and for its disposal, that the disposal has been done which does not suit the petitioners, the issue can be agitated before an appropriate forum by filing an appropriate application but in the circumstances discussed no case for contempt is made out.

The contempt application is accordingly disposed of.

(Jyoti Saran, J)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2019
Transmission Date	NA

