

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23895 of 2019

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1. Devesh Kumar S/o Binod Kumar Rao Resident of Murgaoon, P.s.- Hulasganj, District- Jehanabad
 2. Abhishek Ranjan S/o Rajkumar Resident of Chochahi, P.o.- Chochahi Sarai, P.s.- Paru, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna
4. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
5. The Secretary Bihar State Technical Services Commission, 19 Harding Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha
For the Respondent/s : Mr.Anjani Kumar (Aag4)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-12-2019 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following reliefs:-

“(i). For declaring Rule-10(1)&(2) to be ultra vires
as it does not grants any preference to such
candidates, who are having higher qualification over
and above the basic qualification of diploma in Civil
Engineering.

(ii) For necessary direction upon the respondent
authorities to grant some preference to the extent of



weightage of at least 15 marks, to the candidates like the petitioners, who are not only having the qualification of diploma in Civil Engineering but thereafter they have also obtained degree in Civil Engineering through lateral entry mode.

(iii) For holding that giving preference to the candidates with higher qualification over and above the basic qualification is in accordance with the constitutional scheme and it is also in the interest of efficiency of administration and the object behind such preferential treatment to the candidates with higher qualification is to select best among the better candidates.

(iv) For staying the selection process on the post of Junior Engineer (Civil) pursuant to advertisement no. 01/2019 published by the Bihar Technical Service Commission on 08.03.2019 during the pendency of this writ application.

(v) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioners states that the writ-petitioners shall approach the respondent-authorities highlighting the grievances made in the present petition. This, he states, shall be positively done within a period of four weeks.

Learned counsel for the respondents states that on receipt of such information, appropriate action shall positively be taken within a period of three months thereafter.



The writ petition is accordingly disposed of reserving liberty to the petitioners to approach the Court, if the need so arises.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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