

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7508 of 2020

1. Mukesh Kumar son of Rajesh Kumar Sharma resident of village- Kaler Ahara, P.O. Civil Aerodrome, P.S. Magadh Medical, District- Gaya.
2. Rakesh Kumar son of Girija Singh resident of village- Kaler Ahara, P.O. Civil Aerodrome, P.S. Magadh Medical, District- Gaya.
3. Raj Kishore Singh son of Nepali Singh resident of village and P.O. Sultanpur, P.S. Mohiuddin Nagar, District- Samastipur, presently residing at Doctor Flat, D/15, Medical Campus, Sherghati Road, P.O. Gaya, P.S. Magadh Medical, District- Gaya.
4. Priyanka Singh wife of Santosh Kumar, resident of village and P.O. Patiyama, P.S. Sakurabad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in- Chief (Nursing), Health Services, Bihar, Patna.
4. The Special Secretary, Health Department, Government of Bihar, Patna.
5. The Bihar Technical Service Commission, 19, Harding Road, Patna through the Secretary.
6. The Chairman, The Bihar Technical Service Commission, 19, Harding Road, Patna.
7. The Secretary, The Bihar Technical Service Commission, 19, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-09-2020 Heard the learned counsel for the petitioners and Shri Pankaj Kumar, SC-12 learned counsel appearing for the State.

At the outset, the learned counsel for the petitioners submits that as far as the petitioner no. 3 is concerned, he has already been selected, hence the petitioner no. 3 does not want



to press the present writ petition.

In such view of the matter, the present writ petition qua the petitioner no. 3 stands dismissed as not pressed.

The present writ petition has been filed by the petitioners, seeking the following reliefs:-

- “(I) *For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Technical Service Commission to rectify the irregularities committed in the Selection List of the candidate meant for unreserved dated 13.08.2020 issued under the signature of the Respondent No. 7 (Annexure-P/12) to the extent by excluding the candidates of reserved category from the selection list prepared for the candidate of unreserved category on the ground that out of 2433 candidates of the selection list of the candidate of unreserved category, the Respondents Technical Service Commission put the name of 1888 candidates of reserved category though the said candidates applied for the said post under the reserved category and not under the unreserved category.*
- (II) *For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Technical Service Commission to recommend the name of the petitioners for their selection to the post of Staff Nurse Grade”A” pursuant to Advertisement No. 02/2019 on the ground that if the Respondent Technical Service*



Commission excluded the candidates of reserved category from the selection list of unreserved category, the petitioners come under the consideration zone of the selected candidates.

(III) For a declaration that if any candidate applied for the post under the reserved category then he/she could not take benefit of his/her selection under the unreserved category even if he/she had obtained higher marks in the said selection process.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to keep reserve the posts for the petitioners for their selection/appointment till the final outcome of this Hon'ble Court."

At the outset, the learned counsel for the petitioners seeks liberty to file appropriate representation for redressal of the aforesaid grievances of the petitioners herein.

Having regard to the limited prayer made by the learned counsel for the petitioners, I deem it fit and proper to grant liberty to the petitioners to file appropriate representation before the Chairman, Bihar Technical Service Commission, Patna, within a period of four weeks from today, whereupon the Chairman, Bihar Technical Service Commission, Patna shall consider the same in accordance with law and pass a final order within a period of four weeks' thereafter, with due



communication of the order to the petitioners herein.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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