

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8088 of 2020

Rajeev Kumar Sinha, male, aged about 31 years, s/o Sri Surendar Singh, Village - Alawalpur, Punpun, P.S.- Punpun, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, 19, Hardinge Road, Patna.
4. The Secretary, Bihar Technical Service Commission, 19, Hardinge Road, Patna.
5. The Deputy Secretary, Bihar Technical Service Commission, 19, Hardinge Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Advocate
For the State	:	Mr. P K Verma, AAG 3 with Ms. Divya Verma, Advocate
For the Bihar Technical Service Commission	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 07-10-2020 The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Prashant Kashyap, learned counsel for the petitioner; Mr. P K Verma, learned AAG 3 along with Ms. Divya Verma, learned AC to AAG 3 for the State and Mr. Nikesh Kumar, learned counsel for the Bihar Technical Service Commission.



3. The petitioner has moved the Court for the following reliefs:

*“(i) For striking down and declaring the clause 4 (I) of the advertisement no. 01/2019 dated 08.03.2019 issued by the respondent no. 5 for selection on 6379 vacant regular posts of junior engineer (Civil/ Mechanical/Electrical) in different departments of the State Govt. in view of requisition made by the respondent General Administration Department, Bihar, Patna as illegal and violation of Article 14 and 16 of The Constitution of India as the said clause 4 (I) breaches the equality of opportunity in employment for all citizens as guaranteed under Article 16 of the Constitution of India, since the said clause 4 (I) provides for giving extra qualifying marks (5 marks for each year of experience, maximum of 25 marks) to those junior engineers who are or have work experience in any establishment owned and governed by the **Bihar State Govt.** only whereas petitioner has his work experience and is still working in one of the **Govt. of India** enterprise having completed his diploma in civil engineering from Govt. Polytechnic, Patna and is also a resident of the State of Bihar.*

*(ii) For consequent direction upon the respondents to accommodate the petitioner in the merit panel list giving additional 10 marks out of maximum 25 marks for his work experience as FIELD SUPERVISOR (CIVIL) on contractual basis in **POWER GRID CORPORATION OF INDIA LTD.**, A Govt. of India enterprises since 12.02.2018 till date.*

(iii) For further direction upon the respondents to consider the petitioner's selection as junior engineer on regular basis with the respondent giving due weightage of his experience in one of the Govt. of India



enterprise as he is fulfilling all the other required qualifications and eligibles criterias.

(iv) For stay of the selection process in advertisement no. 01/2019 till the final outcome of this case or alternatively direction upon the respondents to keep one post vacant subject to the final outcome of this case.

(v) For grant of any other relief/reliefs which the petitioner may be entitled to in the facts and circumstances of this case.”

4. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application with liberty to move before the appropriate forum with regard to the reliefs sought in the present writ application.

5. In view thereof, as prayed for by learned counsel for the petitioner, the writ petition stands disposed off as withdrawn.

(Ahsanuddin Amanullah, J)

J. Alam/-

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