

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4222 of 2020

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Anita Kumar Daughter of Hari Charan Manjhi and Wife of Harinder Kumar, Resident of Village + Post- Dharampura, P.S. Daudpur, District- Saran, Bihar. att Present Resident of C-1/35A, Street No. 2, Madhu Vihar, Near Uttam Nagar, P.S. Dabri , District- New Delhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar-800001
3. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar-800001
4. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna, Bihar-800001
5. The Hon'ble High Court of Judicature at Patna through its Registrar General.
6. Sudha Rani Daughter of not known to the petitioner Resident of Village + Post- Juglan, P.S. and District- Hisar (Haryana).
7. Ashish Kumar Pandey Son of not known to the petitioner Resident of Village + Post- English, P.S.- Mirwa, District- Siwan (Bihar).
8. Dinesh Mani Tripathi Son of not known to the petitioner Resident of Village- Saray Bhogi, Post- Saray Bhogi, P.S. + District- Johnpur (U.P.).
9. Amit Kumar Singh Son of not known to the petitioner Resident of Village- Behind Police Station Hospital Tarakpur Road, Post- Parmapur, P.S. + District- Mirzapur (U.P.).
10. Khushboo Anand Daughter of not known to the petitioner C/o Upendra Prasad, Resident of Village- Asha Nagar (South), Holding No. 507, Post- Soh Sarai, District- Nalanda (Bihar).
11. Ajay Kumar Son of not known to the petitioner Resident of Village- Barka More, Post- Nahauna, P.S.- Sasaram, District- Rohtas (Bihar).
12. Aditya Kumar Sharma Son of not known to the petitioner Resident of Village- Bhola Tola, Post- English, P.S. + District- Lakhisarai (Bihar).
13. Avichal Gyanesh Son of not known to the petitioner C/o Shree Suresh Prasad, Resident of Village- Thana Chowk Sidhi Ghat, Near Town Police Station, P.S.- Town, District- Khagaria (Bihar).
14. Varsha Kumari Daughter of not known to the petitioner Resident of Village- Mungrauna, Post- Jamalpur, P.S. + District- Munger (Bihar).
15. Rakesh Ranjan Son of not known to the petitioner Resident of Village- Chaman Bigha, Post- Karauna, P.S. + District- Jehanabad (Bihar).



16. Anurag Gaurav Son of not known to the petitioner C/o Lt. Dulli Chand Prasad, Kishan Colony, Phase-2, P.O. + P.S.- Anishabad, District- Patna (Bihar).

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Prince Kumar Mishra Mr. Amish Kumar, Advocates
For the State	:	Mr. manish Kumar, GP-4
For the High Court	:	Mr. Piyush Lall, Advocate
For the BPSC	:	Mr. Sanjay Pandey Mr. Nishant Kumar Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)

Date : 02-11-2021

Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for the BPSC as well as learned counsel for the Patna High Court.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

“ (i) For issuance of a writ in the nature of Certiorari or any other appropriate writ for quashing the final result of 30th Bihar Judicial Services Competitive Examination dated 29.11.2019 published by the respondent Bihar Public Service Commission (hereinafter referred as “Commission”) to the extent it relates to petitioner- on its website for appointment to Civil Judge (Junior Division) in pursuance of Examination Advertisement No. 06/2018 dated 21.08.2018.



(ii) For issuance of order, direction or writ of Mandamus or any other appropriate writ for directing the respondent commission to immediately allow and process the candidature of petitioner and declare her result, treating her as a 'Schedule Caste Candidate' who has submitted all requisite documents including the caste certificate showing eligibility to participate in the selection process of 30th Bihar Judicial Services Competitive Examination for appointment to Civil Judge (Junior Division).

(iii) For issuance of order, direction or writ of Mandamus or any other appropriate writ for directing the respondent commission to prepare and publish updated result of 30th Bihar Judicial Services Competitive Examination after considering the candidature of the petitioner as Schedule Caste Category for appointment to Civil Judge (Junior Division) in pursuance of Examination Advertisement No. 06/2018 dated 21.08.2018.

(iv) For any other orders or direction which your Lordship may deem fit in the interest of equity, justice and good conscience.

(v) Cost of this litigation."

3. At the outset itself, learned counsel for the petitioner fairly accepts that the issues involved in the present writ petition stand already decided in the case of another similarly situated person in *C.W.J.C. No. 24282 of 2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.)* reported in



2021 (2) PLJR 867, which was dismissed with the following observations -

*“32. Thus, in view of the law laid down by the Hon’ble Apex Court in the case of **Basawaraj** (supra), even if some persons have been given the opportunity to produce their documents, which cannot be said to be in accordance with the provisions of the terms of the advertisement, the same would be of no help to the case of the petitioner herein. The Court finds no merit in this contention also of the petitioner and the same is rejected.*

33. Having heard learned counsel for the parties and in view of the facts and circumstances as discussed hereinabove, the Court finds no merit in the writ application and the same is dismissed. There shall be no order as to costs.”

4. Similar view has been taken in *C.W.J.C. No. 2172 of 2020 (Ratnakar Dubey and Ors. Vs. The State of Bihar and Ors.)*, reported in 2021 (2) PLJR 778.

5. It is stated that SLP Nos. 10776 of 2021 and SLP No. 11089 of 2021 have been filed in the above matters and are pending before the Hon’ble Supreme Court.

6. Learned counsel for the State, learned counsel for the BPSC as well as learned counsel for the Patna High Court appear and have been heard.

7. Having regard to the stand of the petitioner, the present writ petition is dismissed for the same reasons and in



line with the judgment passed in the aforesaid *C.W.J.C. No. 24282 of 2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.)*.

(Vikash Jain, J)

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(Rajesh Kumar Verma, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.11.2021
Transmission Date	N.A.

