

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7902 of 2020

1. Sanjay Kumar S/o Late Gangapati Mallick R/o Mohalla- Matiya Dih Mahawir Nagar, P.O. Motihari, P.S. Chhatauni, District-East Champaran-845401.
2. Arvind Klumar Mishra Son of Abhiram Mishra R/o Mohalla-Azad Nagar Akauna Near Baudhi Mandir, P.O. P.S.-Motihari, District-East Champaran-845401.
3. Rajesh Kumar Son of Yogendra Kumar C/o Janki Bhawabn, Teacher Colony, Bus-Stand, P.O. and P.S.-Rajgir, District-Nalanda-803116
4. Dinbandhu, Son of Surydeo Sah At P.O.-Yogiwana Bazar, P.S. barhnaha, District-Sitamarhi-843322.
5. Dinesh Kumar Son of Suryadeo sah At P.O.-Yogiwana Bazar, P.S. bathnaha, District-Sitamarhi-843322.
6. Anil Kumar Gupta Son of Radheshyam Prasad At-Purani Bazar, Ward No.11, P.O. P.S. Sitamarhi, District-Sitamarhi-843302.
7. Janki Raman Son of Sidheshwar Sah R/o Village- Gorigama, P.O. and P.S. Runni Saidpur, District-Sitamarhi-843302.
8. Shyam Kishore Poddar Sono f Late Ayodhya Poddar R/o Navratan Hata, Near High School Teacher Association, At P.O. and P.S.-Purnia-District-Purnia-854301.
9. Dr. Md. Shahnawaz Rizvi Son of Md. Azizul Hakim At-Rahmatbag, P.O. Nathnagar, P.S. Nathnagar, District-Bhagalpur-812006.
10. Dr. Isham Lal Karharia Son of Upendra Prasad Singh At P.O. and P.S.-Ishak Chak, Near Gumti No. 12, District-Bhagalpur-812001.
11. Rajdeo Kumar Son of Late Keshav Kumar Singh At-R.K. Nagar, FM Campus, Zero Mile, Bahadurpur, District-Bhagalpur
12. Dr. Rakesh Kumar Parimal Son of Late Kishun Prasad Singh At and P.O.-Pararia, P.S. Shambhuganj District-Banka-803211.
13. Amresh Kumar Son of Late Murlidhar Thakur R/o Village-Eastern Tola, Bangawn, P.O. and P.S.-Bangawn, District-Saharsa.
14. Ravi Shankar Prasad Son of Bhagwat Prasad R/o Mohalla-Sadar Chowk, P.O. and P.S.-Dehri on Sone, District-Rohtas-821307
15. Ram Sagar Yadav Son of Sri Amirchand Chaudhry Resident of Flat no.202, Narayanshree Apartment, Sheikhpura, Police Station Shashtrinagar, District Patna.
16. Ganesh Kumar Jha Son of Sri Ramakant Jha, R/o Village Tatuuar East Tola, P.S. Manigachhi Tatuuar, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar,



Patna.

3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Director, Research and Training, Education Department, Govt. of Bihar, Patna.
5. Bihar Public Service Commission, Patna through its Chairman, 15, Jawaharlal Nehru Marg, Patna.
6. The Secretary, Bihar Public Service Commission, Patna.
7. The Joint Secretary-Cum-Controller of Examination, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 28-06-2021 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the respondents.

Despite indulgences granted by this Court, corrective measure has not been adopted by the respondents and as such the Court is left with no option but to decide the legality and validity of the claim of the petitioners. The Court finds that the decision of the respondents contained in Annexure-10 is designed to overreach the direction issued by this Court and as such the order passed by the respondents is nullity in the eye of laws. Accordingly, Annexure-10 is quashed. However, the respondents are directed to pass fresh order so far as grant of weightage is concerned in the next selection process.

Before parting with this order, the Court deems it fit



and proper to remind the executive that while exercising the executive power they are not competent to sit in appeal against the direction issued by this Court only Superior Courts in hierarchy can modify or set aside the order(s) direction(s) of writ court. The thread of maintaining discipline and decorum by the executive has been thoroughly violated by the respondents while passing impugned order as contained in Annexure-10 they are hereby reminded about the jurisdiction and scope of their power to be exercised. They have to keep in mind that they had to act strictly in accordance with the order passed by this Court and any attempt to nullify the effect of the order(s) direction(s) is gross contempt and they are warned that proper action under contempt jurisdiction may be taken if such conduct is reiterated.

The present writ application is disposed of in the manner indicated above.

(Anil Kumar Upadhyay, J)

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