

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10488 of 2020

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Priti Kumari Wife of Ranjan Kumari Resident of 59, Maldhara, Chandadih,
Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director (Administration) - cum- Additional Secretary, Department of Education, Patna.
3. The Director, State Education Research and Training Council, Mahendru, Patna.
4. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra
For the Respondent/s	:	Ms. Shilpa Singh (GA 12)
	:	Ms. Abhanjali (AC to GA 12)
For the B.P.S.C.	:	Mr. Zaki Haider

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 02-08-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Sri Prince Kumar Mishra, the learned counsel for the State Ms. Shilpa Singh (GA-12) assisted by Ms. Abhanjali, Advocate and the learned counsel appearing for the B.P.S.C. Mr. Zaki Haider.



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

(i) For issuance of a writ in the nature of Certiorari, quashing the result published by the Bihar Public Service Commission (hereinafter referred as "BPSC") on 27.02.2020 for Adv. no. 02 of 2016 to the extent it relates to petitioner- whereby and whereunder the result of petitioner has been published treating her candidature as unreserved category as she could not produce her OBC Non-Creamy Layer certificate at the time of interview-ignoring the fact that she has immediately furnished her OBC Non creamy layer certificate vide Speed Post dated 24.12.2020 and vide email dated 24.12.2020 much before the publication of result.

(ii) For issuance of a writ in the nature of Certiorari, quashing the revised result published by the BPSC on 21.08.2020 for Advertisement no. 02/2016- to the extent it relates to petitioner- held for recruitment of Lecturers in Government Training Colleges, Bihar as result has been published treating the candidature of petitioner as unreserved category as she could not produce her OBC Non-Creamy Layer certificate at the time of interview- ignoring the fact that she has immediately furnished the OBC Non Creamy layer certificate vide Speed Post dated



24.12.2019 and vide email dated 24.12.2019.

(iii) For issuance of writ in the nature of mandamus directing and commanding upon the respondent BPSC and the State Respondents to accept the OBC Non-Creamy layer Certificate of Petitioner and include her name in successful candidates for the subject of Botany in the original result dated 27.02.2020 and revised result dated 21.08.2020 and appoint her on the post of Lecturer in Government Training Colleges in terms of the Advertisement no. 02/2016.

At the outset, the learned counsel for the petitioner as also the learned counsel for the Commission have pointed out that the selection process in question has been quashed by a co-ordinate Bench of this Court vide Judgment ***dated 22.03.2021***, passed in ***C.W.J.C. no. 15081 of 2018 (Ravi Kumar and Ors Vs. The State Of Bihar & Ors.) and other analogous cases***. In such view of the matter, this Court finds that at the moment, nothing survives for consideration in the present writ petition, since now the respondent-Commission has to undertake fresh selection process.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with a direction to the respondent-Corporation to consider the case of the petitioner



afresh, on its own merits without being prejudiced by rejection of her case earlier on technicalities, as and when fresh selection process is undertaken. It is needless to state that in case, the appeals filed by the candidates and proposed to be filed by the State/ commission, against the Judgment dated 22.03.2021, passed in C.W.J.C. no. 15081 of 2018, is allowed, liberty is reserved to the petitioner to file a fresh writ petition agitating her subsisting grievance, if any.

(Mohit Kumar Shah, J)

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