

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.496 of 2021

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Hari Krishna Prasad, (Advocate), S/o Mana Prasad, R/o Vill.- Kasha, P.S.- Sermera, District- Begusarai, at present R/o Chhathu Bhagat, Bhawan, South Mandiri, P.S.- Budha Coloony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Principal Secretary Department of Art and Culture, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
3. The Secretary Bihar Public Service Commission, 15, Nehru Path, Baily Road, Patna, Bihar.
4. The Joint Secretary-cum- Examination Controller Bihar Public Service Commission, Nehru Path, Baily Road, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- I. The essential qualification as Post Graduate Diploma in Museology and Post Graduate Diploma in Archaeology may be removed from the Advertisement no. 65/2020 (Art, Culture and Youth Department) issued by the Bihar Public Service commission dated 30.09.2020 because there is no arrangement of education of the aforesaid student in any University.
- II. The respondents may be directed to include the



back log vacancy also in the present advertisement no. 65/2020.

III. The advertisement no. 16/2012 was issued in which the work experience of three years was essential qualification for this post but in the present advertisement, but in the present advertisement the same has been removed instead of Post Graduate Diploma in Museology/Archaeology, for which there is no arrangement of education in Bihar, hence the respondents may be directed to include the three years' work experience in any government Museum of Bihar in the present advertisement.

IV. For that the further process of Advertisement no. 65/2020 may be stayed during the pendency of present writ application (PIL) before this Hon'ble High Court.

V. For issuance of writ of mandamus and any other appropriate writ/writs, order/orders, command and direction/directions to the respondent's authority to consider the genuine grievances of the thousands of students of post graduate diploma holder in Museology and archaeology.

VI. To grant any other relief/reliefs which protects human right of the people of the concerned area.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its



filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the



Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

