

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25760 of 2019

- =====
1. Mayank Kumar Pandey @ Mayank S/o Devendra Pandey R/o Village + Post- Bansdih, South Side, P.S.- Banshdih, Distt- Balia.
 2. Abhishek Samdarshi S/o Late Lalchand Mistry R/o Vill + P.O.- Serthua, P.S.- Makhdumpur, Distt- Jehanabad.
 3. Ajay Veer S/o Chandra Bhushan Prasad R/o Purani Bazar, P.O. + P.S.- Jhajha, Distt- Jamui.
 4. Pinki Kumari D/o Dudheshwar Prasad Sinha R/o Naya Tola, Danapur Cantt, P.O. + P.S.- Danapur, Distt- Patna.
 5. Anand Raj S/o Jawahar Lal R/o Vill + P.O.- Dhanour, Via- Mahnar, P.S.- Patori, Distt- Samastipur.
 6. Sandesh S/o Kamta Singh R/o Vill- Dhandwas, P.O.- Mujan, P.S.- Mohinia, Distt- Kaimur.
 7. Ranjan Kumar S/o Kailash Ram R/o Saidpur Kathiya Kurji, P.O.- Sadaquat Ashram, P.S.- Digha, Distt- Patna.
 8. Jyoti Kaur D/o Nawal Kishor Singh R/o A/9 Girija Sadan Khilanganj, P.O.- Khilanganj, P.S.- Sasaram, Distt- Rohtas.
 9. Sarita Kalyani D/o Chandradeep Rakesh R/o Bank Colony, Ratanpura, P.O. + P.S.- Bhagwan Bazar, Chapra, Distt- Saran.

... ... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Bihar Public Service Commission through its Chairman, 15 Jawaharlal Nehru Marg, Bailey Road, P.O. + P.S.- Old Secretariat, Distt- Patna.
4. Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, P.O. + P.S.- Old Secretariat, Distt- Patna.
5. Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, P.O. + P.S.- Old Secretariat, Distt- Patna.
6. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, P.O. + P.S.- Old Secretariat, Distt- Patna.
7. Hon'ble High Court of Judicature at Patna through the Learned Registrar General, Patna High Court, Bailey Road, P.O.- Patna High Court, P.S.- Kotwali, Distt- Patna.
8. The Learned Registrar General, Hon'ble High Court of Judicature at



Patna, Patna High Court, Bailey Road, P.O.- Patna High Court, P.S.-
Kotwali, Distt- Patna.

... .. Respondents

=====

Appearance :

For the Petitioners : Mr. Gyanendra Kumar Shukla, ADvocate
For the BPSC : Mr. Sanjay Pandey
Mr. Binod Kr. Mishra, Advocates
For the Patna High Court: Mr. Piyush Lall, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)

Date : 02-09-2021

Heard learned counsel for the petitioners, learned
counsel for the BPSC as well as learned counsel for the Patna High
Court through video conference.

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

*“ (i) For issuance of a Writ of Certiorari for quashing the
final result of the 30th Bihar Judicial Services Competitive
Examination declared on 29.11.2019 issued by Joint
Secretary-cum-Examination Controller pursuant to
advertisement no. 06/2018 dated 23.08.2018 for
appointment to Civil Judge (Junior Division) to the extent
to which the candidature of the petitioners have been
cancelled arbitrarily by the commission for non-production
of some original documents at the time of interview despite
the excellent performance of the petitioners in the entire
selection process.*



(ii) For issuance of order/direction /Writ of Mandamus or any other appropriate Writs to direct the respondent commission to immediately allow and process the candidature of the petitioners who had submitted all requisite documents showing their eligibility for appointment to the post of Civil Judge (Junior Division) and thereafter they were allowed to appear in the interview and thereafter their medical was also conducted.

(iii) For issuance of order/direction or writ of Mandamus or any other appropriate writs directing the respondent authority to release the final marks of the petitioners before further appointment process takes place.

(iv) For issuance of order/direction or Writ of Mandamus or any other appropriate Writs directing the respondent authority that if the petitioners qualify for the final list of candidates in the 30th Bihar Judicial Services Competitive Examination, declare them successful and include them in the final merit list or in an addendum list of successful candidates.

(v) For issuance of order/direction or Writ of Mandamus or any other appropriate writs directing the respondent commission to prepare and publish the updated/revised result of the 30th Bihar Judicial Services Competitive Examination after considering the candidature of the petitioners since, in sheer violation of the Principle of Natural Justice, the candidature of the petitioners have been cancelled by the Commission unilaterally and arbitrarily without affording any opportunity to the petitioners to clarify any of the objections on the basis of which their candidature was cancelled by the Commission.

(vi) For issuance of order/direction or appropriate writ for directing the respondent authority to keep 09 posts of



Civil Judge (Junior Division) vacant during the pendency of the present writ application and further for restraining the commission from making recommendation either in unreserved category or reserved category until disposal of the present writ application.

(vii) This Hon'ble Court is further prayed to adjudicate and hold that the action of the respondent authority withholding the result and cancelling the candidature of the petitioners is highly arbitrary, illegal, cavalier and contrary to the principles of justice and fair play.

(viii) Any other appropriate writ/writs be issued, order/orders be passed, direction/directions be given in the facts and circumstances of this case for which the petitioners may be found entitled."

3. At the very outset itself, learned counsel for the petitioners fairly states that the issues involved in the present writ petition stand already decided in writ petitions filed by similarly situated persons in *C.W.J.C. No. 24282 of 2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.)* and *C.W.J.C. No. 2172 of 2020 (Ratnakar Dubey and Ors. Vs. The State of Bihar and Ors.)*, against which, in turn, SLPs have been filed and are pending before the Hon'ble Supreme Court.

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

5. Having regard to the stand of the petitioners, the present writ petition is dismissed for the same reasons and in line with the judgments passed in the aforesaid *C.W.J.C. No. 24282 of*



*2019 (Aarav Jain Vs. The Bihar Public Service Commission and Ors.)
and C.W.J.C. No. 2172 of 2020 (Ratnakar Dubey and Ors. Vs. The State
of Bihar and Ors.).*

(Vikash Jain, J)

(Anjani Kumar Sharan, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2021
Transmission Date	N.A.

