

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5462 of 2021

1. Sidheshwar Prasad S/o Prasadi Mahto R/o Village- Simeria Bikrampur, P.O.- Manikpur, P.S.- Jamui, District- Jamui, Bihar.
2. Mahesh Yadav S/o Parmanand Yadav R/o Village- Aamghachi, P.O.- Shyam Bazar, P.S.- Baunsi, District- Banka, Bihar.
3. Manoj Kumar S/o Ram Sharan Mahto R/o Village- Khanprar, P.O.- Kawadpur, P.S.- Surajghara, District- Lakhisarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
5. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
6. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
7. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
8. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
9. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
10. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
11. The Bihar Technical Service Commission, Bihar, Patna through its Secretary.
12. The Deputy Secretary, Bihar Technical Service Commission, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 669 of 2020

1. Shashi Kumar S/o Late Suresh Thakur R/o Village- Anadipur, P.O. and P.S.- Kahalgaon, District- Bhagalpur, Bihar.
2. Riyaz Ahmad S/o Md. Razi Ahamad R/o Village- Chamelichak, P.O.- Habibpur, P.S.- Habibpur, District- Bhagalpur, Bihar.
3. Amrendra Kumar S/o Ramchandra Roy R/o Ward No. 27, Bahadurpur, P.O.



and P.S.- Samastipur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary Rural Works Department, Government of Bihar, Patna.
4. The Principal Secretary Planning and Development Department, Government of Bihar, Patna.
5. The Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna.
6. The Principal Secretary Public Health and Engineering Department, Government of Bihar, Patna.
7. The Principal Secretary Building Construction Department, Government of Bihar, Patna.
8. The Principal Secretary Water Resources Department, Government of Bihar, Patna.
9. The Principal Secretary Road Construction Department, Government of Bihar, Patna.
10. The Principal Secretary Minor Water Resources Department, Government of Bihar, Patna.
11. The Bihar Technical Service Commission, Bihar, Patna through it's Secretary.
12. The Deputy Secretary Bihar Technical Service Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5462 of 2021)

For the Petitioner/s : Mr.Rakesh Kumar Singh

For the Respondent/s : Mr.Lalit Kishore (Ag)

(In Civil Writ Jurisdiction Case No. 669 of 2020)

For the Petitioner/s : Mr.Rakesh Kumar Singh

For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 04-01-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.



2. In the instant petition, petitioners have prayed for following reliefs:

“(i) For issuance of appropriate writs, orders or directions to the respondents including the Bihar Technical Service Commission, Patna to consider the work experience of the petitioners against the post of Panchayat Technical Assistant on the basis of their Diploma in Civil Engineering degree equivalent to the work experience against the post of the Junior Engineer (Civil) under Government of Bihar for the post of Civil Engineer (Civil) advertised through the Advertisement No. 01/2019.

(ii) For issuance of appropriate writs, orders or directions to the respondents especially the Bihar Technical Service Commission to grant 25 weightage points or marks to the petitioners as stipulated or mentioned in Clause 4(i) and (ii) of the Advertisement No. 01/2019 on the basis of their work experience against the post of Panchayat Technical Assistant on which they were appointed by the Rural Development Department, Government of Bihar on the basis of their degree of Diploma in Civil Engineering.

(iii) Further for a direction to the Bihar Technical Service Commission, Patna to publish the merit list for the post of Junior Engineer (Civil) advertised through Advertisement No. 01/2019 after giving 25 weightage points to the petitioners in terms of the Clause 4(i) and (ii) of the Advertisement No. 01/2019 and consequently place the petitioners in the merit list at appropriate place.

(iv) And any other appropriate reliefs may be given to the petitioners under the facts given below.”



3. Short question for consideration in the present petition is whether petitioners are entitled to weightage read with work experience for the purpose of selection and appointment to the post of Junior Engineer or not?

4. The concerned selecting authority is hereby directed to take note of the petitioners' grievance and if it is genuine in accordance with relevant statute/executive order/policy decision, in such an event, necessary relief sought by the petitioners shall be extended. If the petitioners are not entitled, in that event, necessary speaking order shall be passed and communicated to the petitioners. Above exercise shall be completed within a period of one month from the date of receipt of this order.

5. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

