

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3881 of 2022

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1. Rahul Kumar Son of Raj Kumar Singh Resident of Village- Byapur, P.S.- Maner, District- Patna.
 2. Pranav Prince Son of Jainarayan Singh Resident of Village- Apsarh, P.S.- Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. Bihar Public Service Commission through its Chairman, Patna.
2. Chairman, Bihar Public Service Commission, Patna.
3. The Secretary, Bihar Public Service Commission, Patna.
4. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Singh, Advocate
For the Respondent/s	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 18-04-2022

Heard learned counsel for respective parties.

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

“(i) For issuance of writ(s) order(s) direction(s) in nature of certiorari for quashing the list of ineligible candidates published by Bihar Public Service Commission (hereinafter referred to as the Commission) With respect to Advertisement Number 01/2019 for the post of Assistant Engineer (Civil) in different departments of Government of Bihar (hereinafter referred to as the advertisement), in so far as it pertains to the petitioners, whose names and registration num-



bers have been shown at serial numbers 53 and 87 respectively therein on the 22 02 ground that the Petitioners' degrees are not as per the requirement in the advertisement.

(ii). For issuance of an appropriate writ, order or direction declaring that the Petitioners' degree in Construction Engineering is equivalent to and an approved nomenclature of the degree in Civil Engineering on the basis of AICTE notifications dated 28.04.2017 and 06.10.2021.

(iii) For issuance of Writ(s) order(s) direction(s) in nature of Mandamus (ii) directing the Respondent Commission to consider the candidature of the Petitioners in light of AICTE notifications dated 28.04.2017 and 06.10.2021 and allow the petitioners to participate in the examination for the Advertisement Number 01/2019 for the post of Assistant Engineer (Civil) in different departments of Government of Bihar, which is scheduled to be held on 12.03.2022 and 13.03.2022. Alternatively, for issuance of a writ of mandamus directing the respondent Commission to consider the candidature of the Petitioners in light of AICTE notifications dated 28.04.2017 and 06.10.2021 and to conduct and hold a separate examination for the petitioners with respect to the Advertisement Number 01/2019 for the post of Assistant Engineer (Civil) in different departments or Government of Bihar post of the Assistant Engineer (Civil) in case the petitioners are not accommodated in the examinations scheduled for 12.03.2022 and 13.03.2022.



(iv) Any other writ(s) order(s) direction (s) for which the petitioners are found to be entitled.”

Learned counsel for the petitioners submitted that writ petition was filed on 07.03.2022 through online and he has also stated to have submitted mention slip on 07.03.2022 and it was allowed and petitioner's petition was listed at serial number 2757 in the consolidated list of 04.04.2022. Whereas the examination conducted for the post of Assistant Engineer (Civil) on 12.03.2022 and 13.03.2022 the petitioner has not apprised this Court between 07.03.2022 to 11.03.2022 stating that the main examination is to be held on 12.03.2022 and 13.03.2022 so as to show the urgency.

Today, the petitioners stated in writing that the examination has already been conducted on 12.03.2022 and 13.03.2020, therefore, this Court may direct the concerned authority to permit the petitioners to participate in the process of selection and such participation is subject to result of the present petition. In other words, the petitioners have not shown their interest between 07.03.2022 to 11.03.2022. Since examination was already over on 12.03.2022 and 13.03.2022, therefore, question of conducting separate examination of these two petitioners is impracticable for the reasons that for only two candidates the respondents-commission cannot set the examination papers and further other process up to



the stage of announcing the result, therefore, the petitioners have not made out a case.

Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

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

