

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5544 of 2022

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1. Jayram Kumar S/o-Sri Shyam Nandan Singh R/o Village-Ladipur, P.S.-Jehanabad, District-Jehanabad.
 2. Rahul Kumar Yadav S/o-Sri Ashok Kumar Yadav R/o Village-Gosai Tola, P.S.-Patliputra, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Principal Secretary General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of India, Patna.
5. The Secretary Panchayati Rajya Department, Bihar.
6. The Secretary, All India Council of Technical Education (Statutory Body Under Ministry of H.R.D., Government of India, Nelson Mandela Marg, New Delhi)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
		Mr. Ramanuj, Advocate
For the Respondent/s	:	Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-



- (i) For quashing Rule 4(a) of the "Bihar Water Resources Department Subordinate Engineering (Civil) cadre Recruitment (amendment) Rules-2017" to the extent by which "as per Rule-5 of Bihar Water Resources Department Subordinate Engineering (Civil) Cadre Recruitment Rules, 2015, 40% seats of total vacant posts shall be reserved for the candidates holding Civil Diploma from The Government Polytechnic Institutes under the State as per category wise reservation merit list.
- (ii) For issuance of writ of certiorari for setting aside/quashing the clause V (2) of the advertisement dated 03.08.2018 (Annexure-1) issued for appointment of Technical Assistant (having Diploma in Civil Engineering from recognized Polytechnic) whereby and where under "40%" reservation for the candidates having degree from the recognized Polytechnic Institution under the Government has been provided.
- (iii) For issuance of writ of mandamus directing the respondents to make selection applying the provisions on the basis of which the appointment were made earlier as well as presently in the department of Public Health Engineering Department, Building Construction Department, Water Resources Department etc. where there is still no provisions of 40% reservation for the candidates who have obtained degree for the State run Polytechnic Institution.
- (iv) For issuance of other appropriate writ / writs, direction / directions, order / orders, direction / directions for which the petitioners are entitled in the facts and circumstance of the present case.

Learned counsel for the petitioners prays that the instant petition be disposed of exactly in the same terms as



contained in **judgment dated 18.04.2022** passed by a co-ordinate Bench of this Court in **CWJC No. 21651 of 2018**, titled as **Ranjan Kumar & Ors. Vs. The State of Bihar & Ors.**

No objection to such prayer being allowed.

As mutually agreed, the instant petition stands disposed of in terms of judgment dated **18.04.2022** passed by a co-ordinate Bench of this Court in **CWJC No. 21651 of 2018**, titled as **Ranjan Kumar & Ors. Vs. The State of Bihar & Ors.**, and the directions contained therein shall also govern the instant case *mutatis mutandis* to the extent possible.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2022
Transmission Date	

