

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6398 of 2022

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Dhananjay Kumar Tiwari, son of Satyendra Tiwari, R/o Mohalla-Hitech Hospital, Saguna More, Balaji Nagar, P.S. - Danapur, District- Patna, (Bihar).
... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Irrigation Department, Government of Bihar, Patna.
2. The Principal Secretary to the Government, Water Resources Department, Govt. of Bihar, Patna.
3. The Bihar Technical Service Commission through its Secretary, 19, Harding Road, Patna.
4. The Chairman, Bihar Technical Service Commission through its Secretary, 19, Harding Road, Patna.
5. The Deputy Secretary, Bihar Technical Service Commission through its Secretary, 19, Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Ranjan Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Pawan Kumar, AC to AG Mr. Bishwa Bibhuti Kumar Singh, A.C. to AG Mr. Nikesh Kumar, Advocate

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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.

Petitioner has prayed for the following relief(s):-

(A) To hold and declare 9(1)(iii) of Bihar Water Resources Sub ordinate Engineering (Civil) Cadre Recruitment (Amendment) Rule, 2017 (hereinafter referred as short Rule, 2017) is ultravires, void, ab-initio, conscious discrimination, arbitrary, malafide and violation of Article 14 of the Constitution of India.



(B) To hold and declare the petitioner and other candidates who have acquired qualification of Junior Engineer Diploma in Civil from Private Polytechnic College situated in the State of Bihar are also entitled for consideration of the appointment against 40% vacancy like Diploma holder from the Government Polytechnic Institute situated in the State of Bihar.

(C) Also for writ in the nature of certiorari for quashing clause V(2) of the advertisement No. 1/2019 dated 03.08.2018 issued by the Sretary Bihar Technical Service Commission for appointment of 6379 posts of Junior Engineer (Civil), Mechanical and Electtical.

(D) For commanding the respondents to consider the selection and appointment of the petitioner against 40% vacancy meant for Diploma holder from the Institutes of the Polytechnic situated in the State of Bihar against advertisement no. 1/2019.

(E) Also for commanding the respondents to give consequential service benefit, pay protection, seniority the date from which the

candidates having lesser marks to the petitioner appointed during pendency of the writ application from the government polytechnic Institute in the State of Bihar.

(F) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.

Learned counsel for the petitioner prays that the instant petition be disposed of exactly in the same terms as contained in **judgment dated 19.04.2022** passed by this Bench in **CWJC No. 7312 of 2021**, titled as **Vinit Kumar & Ors. Vs.**



The State of Bihar & Ors. and other analogous cases.

No objection to such prayer being allowed.

As mutually agreed, the instant petition stands disposed of in terms of **judgment dated 19.04.2022** passed by this Bench in **CWJC No. 7312 of 2021**, titled as **Vinit Kumar & Ors. Vs. The State of Bihar & Ors.** and other analogous cases, 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	09.05.22
Transmission Date	

