

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.797 of 2021

Ashish Kumar Son of Ram Narayan Malakar Resident of New Colony,
Saharsa, Ward No.08, P.S.- Saharsa Sadar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Secretary, Patna.
4. The Chairman, Bihar Staff Selection Commission, Patna.
5. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate
For the Respondent/s : Mr. M.N.H. Khan, SC-1

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

Date : 17-01-2022

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

2. In the instant petition, petitioner has prayed for following reliefs:

“(A) For issuance of a writ of certiorari for Quashing the Final Result as contained in Memo no. 3102 dated 29.10.2018 (vide Annexure-15) for the Selection on the post of Junior Engineer Civil/Mech in pursuance of Junior Engineer (Civil/Mech) Competitive Examination, 2011 held on 25.2.2018, Conducted by the Bihar Staff Selection Commission, Patna (here in after referred to as “BSSC” or the Commission) in



terms of advertisement No. 0411 (vide Annexure-3)

(B) For issuance of a writ of Mandamus commanding the Respondent Commission to correct/rectify the Caste Category of the Petitioner from “B.C.” Category to “M.B.C” Category in the light of Discrepancy Report dated 20.9.2012 (Annexure-6) previously declared Result dated 20.1.2013 (Annexure-7) and the Score Card (Vide Annexure-8) issued by the Bihar Staff Selection Commission itself and thereafter, consider the claim of the petitioner for the Selection/ appointment on the post of J.E. Civil, in accordance with the Selection Process mentioned in Para-3 of the said Advertisement pertaining to the Selection of a Candidate belonging to M.B.C. Category whose minimum Qualifying marks is mentioned as 34%.

(C) For any other relief or reliefs for which the petitioner is found entitled to under the facts and circumstances of the case.”

3. Short question for consideration in the present petition is whether petitioner is entitled to be selected and appointed to the post of Junior Engineer (Civil/Mech) or not?

4. Learned counsel for the petitioner submitted that present matter is squarely covered by a decision of this Court.

5. Even if the matter is covered by the earlier decision of this Court, if the third person’s right is affected, who is necessary and proper party to the present litigation, therefore, in the light of Apex Court’s decision rendered in the case of



Ranjan Kumar & Ors Vs. State of Bihar & Ors. reported in
(2014) 16 SCC 187 (Para 4 to 13), the present petition stands
dismissed reserving liberty to the petitioner to file fresh petition in
accordance with law.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

