

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1676 of 2013

In

Civil Writ Jurisdiction Case No.7143 of 2006

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Bambam Paswan Son Of Lakhan Paswan Resident Of Village Birpur, Post
Office Hasanpur Sugar Mill, P.S. Hasanpur, District Samastipur, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Collector, Bettiah, West Champaran
3. The Deputy Collector Establishment, Collectorate, Bettiah, West Champaran
4. Bihar Public Service Commission, Bihar, Patna Through Its Secretary

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogendra Mishra, Sr. Advocate Ms. Swati Mishra, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad, AAG-5 Mr. Md. Kamil Akhtar, AC to AAG-5
For the BPSC	:	Mr. Shubodh Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-08-2022

Heard learned counsels for the parties.

2. The present L.P.A. is against the order of the
learned single Judge dated 24.04.2013 passed in C.W.J.C. No.
7143 of 2006.

3. Appellant has prayed for following reliefs in
the writ petition C.W.J.C. No. 7143 of 2006:-

**“That, the action taken by
the respondent no. 2 and 3 in respect of
the non-offer of the appointment to the
petitioner be quashed and the**



respondent nos. 2 and 3 may be directed to offer the appointment to the petitioner at the earliest or as fixed by this Hon'ble Court in view of the recommendation made by the Bihar Public Service Commission vide its letter No. 1045 dated 16.1.03 with the name of the petitioner at Serial no. 36 of the list therewith to the respondent no. 2 and 3."

4. During pendency of C.W.J.C. No. 7143 of 2006, appellant was facing criminal proceedings. The same has been taken note of and writ petition was decided against the appellant. Thus appellant has presented this appeal.

5. During pendency of the present appeal, the appellant had been acquitted in criminal case on 20th October, 2016. Due to pendency of the criminal proceedings, appellant's name was not considered to the selection and appointment to the post of Group-C/ Class-III pursuant to the advertisement issued in the year 1998. In view of the later development that appellant had been acquitted in a criminal case on 20th October, 2016, we find that the matter is required to be reconsidered by the BPSC afresh. In this regard appellant is hereby directed to furnish dates and events in a representation while enclosing copy of the acquittal order dated 20th October, 2016 in a criminal proceedings. He is also hereby directed to enclose Apex Court decision rendered in the case of *Avatar Singh Vs. Union of*



India reported in (2016) 8 SCC 471 and *Pawan Kumar Vs. the Union of India and another* reported in 2021 SCC online SC 3237 in respect of reconsideration of his selection and appointment to the post of Group-C/Class-III. If such representation is submitted to the BPSC/ selecting authority in that event BPSC/ selecting authority is hereby directed to examine the appellant's candidature afresh in view of the later development that he had been acquitted in a criminal case on 20th October, 2016 read with the Apex Court's decision. Such decision shall be taken within a period of three months from the date of receipt of petitioner's representation. The order of the learned single Judge would not come in the way of reconsidering the appellant's candidature afresh for the post of Group-C/ Class-III.

6. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2022
Transmission Date	

