

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12438 of 2022

1. Amit Kumar, aged about 29 years (Male) S/o Upendra Prasad Verma Resident of Village and Post- Baksanda, Police Station- Akabarpur, District- Nawada, Bihar- 805126.
2. Babban Kumar Singh aged about 28 years (Male) S/o Vijay Kumar Singh Resident of Village- Khajoor Korama, Post- Nawada Bazar, Police Station- Rajoun, District- Banka, Bihar - 813105.
3. Pradeep Kumar aged about 29 years (Male) S/o Birendra Prasad Resident of Village and Post- Sikatiya, Police Station- Maharajganj, District- Siwan, Bihar- 841244.
4. Subham Kumar aged about 27 years (Male)S/o- Sailendra Kumar Resident of Village- Mogalpura, Post- Jhauganj, Police Station- Khajeklan, District- Patna, Bihar- 800008.
5. Shiv Shankar Kumar aged about 32 years (Male)S/o Rangnath Prasad Gupta Resident of Village- Nisarpura, Post- Shekhipura, Police Station- Rampur Cha, District- Arwal, Bihar- 804428.
6. Sunil Kumar Mahto aged about 32 years (Male) S/o Ramdev Mahto Resident of Village- Kanakpur Ujan, Post- Lohna Road, Police Station- Sakatpur, District- Darbhanga, Bihar- 847407.
7. Nisant Kumar Bharti aged about 28 years (Male) S/o Jay Prakash Prasad Resident of Village- Malawan, Post- Yogipur, Police Station- Hilsa, District- Nalanda, Bihar- 801302.
8. Sandip Kumar aged about 27 years (Male) S/o Gopal Singh Resident of Village- Gajrad Gaulakshani, Post and Police Station- Sasaram, District- Rohtas, Bihar- 821115.
9. Barun Kumar aged about 36 years (Male) S/o- Sachchidanand Yadav Resident of Village- Raghobpur, Tikar, Post- Nath Nagar, Police Station- Madhusudanpur, District- Bhagalpur, Bihar- 812006.
10. Chandan Kumar aged about 30 years (Male) S/o Sahdev Singh Resident of Village- Nayaka Gaon, Post and Police Station- Sasaram, District- Rohtas, Bihar- 821115.
11. Nitish Kumar Yadav aged about 28 years (Male) S/o Nandan Yadav Resident of Village- Bisua, Post- Marthua, Police Station- Bithan, District- Samastipur, Bihar- 848207.
12. Chitragupt Kumar aged about 30 years (Male) S/o Ram Pati Singh Resident of Village- Uchhahal Bigha, Post- Dhamni, Police Station- Hashapura, District- Aurangabad, Bihar- 824115.
13. Nilesh Kumar aged about 27 years (Male)S/o- Ganesh Das Resident of Village- Baghi, Post and Police Station- Nagdah, District- Begusarai, Bihar- 851117.
14. Navlesh Kumar @ Navlesh aged about 27 years (Male) S/o Gaya Mistri Resident of Village- Guruchak, Post- Rajhat, Police Station- Akabarpur, District- Nawada, Bihar- 805126.
15. Roshan Kumar aged about 31 years (Male) S/o Rajendra Kamat Resident of



Village- Bhelahi, Post and Police Station- Supaul, District- Supaul, Bihar- 852131.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Under Secretary, General Administration Department, Government of Bihar.
4. The Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna- 800014.
5. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna- 800014.
6. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 800014.
7. The Controller of Examination, Bihar Staff Selection Commission, Veterinary College, Patna- 800014.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ujjawal Bhushan, Adv.
For the State	:	Mr. Md.Fazle Karim, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-11-2022 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. The learned counsel for the petitioner has filed a mentioning slip for listing of this matter for disposal in terms of order dated 29-08-2022 passed in *C.W.J.C. No. 9152 of 2022 (Rahul Kumar and Ors. Versus the State of Bihar & Ors.)*.

4. The mentioning slip contains an endorsement of



consent by learned counsel(s) for the respondents. The prayer in the mentioning slip is for disposal of the instant writ petition in terms of the order dated 29-08-2022, passed in *C.W.J.C. No. 9152 of 2022*, paragraph Nos. 7 and 8 of which read as follows:-

“7. This Court would consider the stand of the State authorities to be genuine and bona fide. The selection process from the issuance of advertisement till the stage of counselling spread over eight years or more. The petitioners have been participating in the process throughout. They have all along been aware of the fact that additional candidates were being declared successful by virtue of age relaxation having been granted after the advertisement was issued. The new candidates, who became eligible by virtue of relaxation of the age criteria, were also to the knowledge of the petitioners in the entire selection process in between issuance of notice dated 05-02-2016 Annexure P2 to issuance of notice dated 07-12-2021 Annexure P(7)A, the petitioners have raised no objection. After granting age relaxation to the other candidates, who subsequently became eligible and emerged successful subsequent to the petitioners in the same selection process, if no opportunity was provided to obtain NCL with retrospective effect, then the entire exercise



leading to their being declared successful would have become futile. Therefore, in order to avoid such a situation and also to avoid changing rules of game midway it appears to this Court to be only proper and just to allow issuance of NCL with retrospective effect so that all the candidates whether petitioners or those who, subsequently emerged successful were bound by eligibility based on NCL uniformly w.e.f. 2013-2014. The petitioners' grievance, therefore, appears to be thoroughly misplaced.

8. The writ petition is devoid of merit and dismissed.”

5. Since the parties expression of agreement for disposal in terms of said order is on record, keeping the writ petition pending would serve no useful purpose.

6. Accordingly, the writ petition is dismissed in terms of the order dated 29-08-2022, passed in C.W.J.C. No. 9152 of 2022, as noted above.

(Madhuresh Prasad, J)

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