

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3416 of 2021

1. Mukesh Kumar Son of Dinesh Singh Resident of Home No.-127, Teacher Colony, Chandi, P.O. and P.S.- Chandi, District- Nalanda, Pin Code- 803108.
2. Gauri Shankar Son of Shri Bipin Kumar Singh Resident of Village and P.O.- Saidpur Via Naugachia, P.S.- Gopalpur, District- Bhagalpur, Pin Code- 853205.
3. Ankur Kumar Son of Puroshottam Resident of Village and P.O.- Rohua (West), Prakhand- Warisnagar, District- Samastipur, Pin Code- 848133.
4. Milki Sinha Daughter of Suresh Kumar Sinha Resident of Kailash Bhawan, Dhaneshwar Ghat, Biharsharif, District- Nalanda, Pin Code- 803101.
5. Nishant Anand Son of Binod Kumar Resident of Village- Sonsa, P.O.- Rahui, District- Nalanda, Pin Code- 803119.
6. Atiqur Rahman Son of Obaidur Rahman Resident of Village and P.S.- Azimabad, P.O.- Baga, District- Bhojpur, Bihar, Pin code- 802164.
7. Devnandan Sharma Son of Ramswaroop Sharma Resident of Village- Anaypar, P.O.- Belar, P.S.- Kashichak, District- Nawada, Pin Code- 805130.
8. Md. Ishtekhar Ansari Son of Md. Shamsher Ansari Resident of Village- Ledari, P.O.- Chhotka Amaon, P.S.- Chand, District- Kaimur, Pin code- 821106.
9. Ranveer Kewat Son of Bachchu Prasad Kewat Resident of Village- Jasat, P.O.- Dharhara, P.s.- Dhamaul, District- Nawada, Pin Code- 805101.
10. Sandeep Kumar Chadravanshi Son of Shri Mahesh Prasad Chandravanhi Resident of Village- Rampur, P.O.- Alipur, P.S.- Buniadganj, District- Gaya, Pin Code- 823003.
11. Rajneesh Pal Son of Shri Ganesh Pal Resident of Village and P.O.- Rampur, District- Buxar, Pin Code- 802114.
12. Md. Jalaluddin Son of Md. Shahid Ahmad Resident of Hafiz Colony, Naya Bazar, P.O.- Dhanbad, P.s.- Bank More, District- Dhanbad (Jharkhand), Pin Code- 826001.
13. Anjali Prasad Wife of Shri Arun Prasad Resident of Village and P.O.- Siswa Basantpur, P.S.- Chautarwa, District- West Champaran, Pin Code- 845453.
14. Arvind Kumar Son of Shri Rajendra Prasad Sharma Resident of Q. No. 839, Street-14, Sector-9 B., Bokaro City, Bokaro, District- Jharkhand, Pin Code- 827009.
15. Ravi Kumar Son of Shri Arjun Rajak Resident of Village- Gonpura, P.O.- Alampur, P.S.- Phulwarisharif, District- Patna, Pin Code- 801505.
16. Kusum Kumari Wife of Shri Binod Kumar Resident of Village and P.O.- Sonai Via Sahar Ghat, District- Madhubani, Pin Code- 847308.
17. Umesh Rajak Son of Shri Karmu Rajak Resident of Village- Bela Deeh, P.O.- Belaganj, District- Gaya, Pin Code- 804403.
18. Manish Kumar Son of Shri Ganga Prasad Srivastava Resident of Shri Krishna Nagar (Near Bhandar Lodge), Motihari, District- East Champaran, Pin Code- 845401.



19. Jai Prakash Anand Son of Shri Shambhu Prasad Resident of Madhubhawan, Padri Ki Haweli, Gurhatta, Patna City, District- Patna, Pin code- 800008.
20. Mukesh Kumar Baitha Son of Shri Ramdhar Baitha Resident of Village- Majhauria, P.O. and P.S.- Mehshi, District- East Champaran, Pin code- 845426.
21. Ashish Kumar Bhaskar Son of Shri Bishnu Rajak Resident of Chak Musalahpur, Koiri Tola, P.O.- Mahendru, District- Patna, Pin Code- 800006.
22. Sunil Kumar Paswan Son of Shri Upendra Paswan Resident of Village- Suryagadha, Purani Bazar, P.O. and P.S.- Suryagadha, District- Lakhisarai, Pin Code- 811106.
23. Naveen Kumar Son of Jaleswar Prasad Resident of Village and P.O.- Babhanaur, P.S.- Narhat, District- Nawada, Pin Code- 805111.
24. Sumit Shekhar Son of Late Nagina Chaudhary Resident of Village- Khaira, P.O.- Lakhna, P.S.- Gaurichak, District- Patna, Pin code- 804453.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administrative Department, Bihar, Patna.
2. Bihar Public Service Commission Patna through its Secretary.
3. Chairman Bihar Public Service Commission, Patna.
4. Secretary Bihar Public Service Commission, Patna.
5. Principal Secretary Finance Department, Bihar, Patna.
6. Controller and Accountant General Bihar, Patna.
7. Shri Dilip Kumar Sinha Son of Shri Bal Kishun Prasad Sinha Presently posted and working as Section Officer in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
8. Shri Om Prakash Vishwakarma Son of Jagdish Vishwakarma Presently posted and working as Section Officer in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
9. Shri Rashid Akhtar Son of Late Abdul Hafiz Presently posted and working as Section Officer in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
10. Dr. Hare Ram Singh Son of Shri Ramadhar Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
11. Shri Ramashish Yadav Son of Late Mauje Lal Yadav Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
12. Shri Rajeev Ranjan Shrivastava Son of Shri Adha Sharan Prasad Shrivastava Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
13. Shri Parmatma Singh Son of Shri Gandhi Singh Presently posted and



- working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
14. Shri Sunil Kumar Son of Shri Kameshwar Prasad Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 15. Shri Gajendra Kumar Singh Son of Shri Jayendra Kumar Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 16. Shri Sanjeet Kumar Son of Shri Ram Anugrah Narayan Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 17. Shri Ram Babu Prasad Rai Son of Shri Vinod Rai Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 18. Shri Virendra Kumar Rai Son of Ramdeni Rai Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 19. Shri Tuntun Rai Son of Shri Ramdeni Rai Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 20. Shri Imaran Al Rahma Daudi Son of Shri Ajijur Rahman Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 21. Shri Dhirendra Narayan Singh Son of Shri Devendra Narayan Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 22. Shri Brajendra Kumar Son of Shri Chandrika Prasad Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 23. Shri Pramod Kumar Singh Son of Shri Vishwanath Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 24. Smt. Anupma Sharma D/o of Bhanu Shankar Sharan Singh Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 25. Shri Virendra Kumar Son of Jawahar Lal Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 26. Smt. Asha Kumari Wife of Shri Anil Kumar Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.
 27. Shri Sanjay Kumar Bhagat Son of Late Keshari Nandan Bhagat Presently posted and working as Assistant in Bihar Public Service Commission- 15, Jawahar Lal Nehru Marg, Bailey Road, Bihar, Patna- 800001.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mrs. Babita Kumari
Mr. Sanjay Pandey, Advocate

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

Date : 29-01-2022

This matter is heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioners have prayed for the following reliefs:

(I) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned authorities under the Bihar Public Service Commission, Patna (hereinafter referred to as “the Commission”) to take steps towards placing the petitioners above respondents no. 7 to 27 in the seniority list containing the names of Assistants working in the services of the Commission in view of the fact that their very initial appointments in the services of the Commission in the capacity of Assistants are untenable in the eyes of law;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to take steps towards extending all the consequential benefits in favour of the present petitioners while treating them to be senior to respondents no. 7 to 27 working in the capacity of Assistants in the services of the Commission for the purposes of



promotion and other benefits as they may be found to be entitled to in accordance with law;

(iii) Issuance of a declaration holding that respondents no. 7 to 27 who have been continuing in the capacity of Assistants in the services of the Commission based on their initial appointments and joining in the said capacity without following any procedure laid down in the said respect and contrary to the instructions issued by the concerned authorities under the State Government as well as in blatant disregard of objections raised by the auditors and also the concerned authorities in the office of the Controller and Accountant General, Bihar, Patna are not entitled to be ranked above the present petitioners in the seniority list prepared and published by the Commission;

(iv) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

4. The relief sought for in the present writ petition is not crystal clear in respect of which post and which seniority list the petitioners intend to tinker the ranking of the respondent nos. 7 to 27. In that event, they are required to question the validity of such seniority list wherein the respondent nos. 7 to 27 have been placed over and above the petitioners.

5. These material information is not forthcoming in the relief column and so also there is no challenge to the existing seniority list where the respondent nos. 7 to 27 have been placed



over and above the petitioners. Therefore, the present writ petition is not maintainable.

6. Accordingly, the writ petition is dismissed reserving liberty to the petitioners to question the existing seniority list of the particular cadre wherein respondent nos. 7 to 27 have been placed over and above in accordance with law.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2022
Transmission Date	NA

