

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3300 of 2021

1. Arun Kumar Ramkrishna Sharma Resident of Village-Tejpura, P.O. and P.S.-Baidrabad, District-Arwal, Pin Code-804402
2. Rajesh Kumar Son of Siyaram Singh Resident of Ward No.4, P.O. and P.S.-Gardsisai, District-Samastipur, Pin Code-808503.
3. Rajesh Kumar Mishra Son of Budheshwar Mishra, Resident of Ward No.01, Village-Suragaon, Near Middle School, P.O. and P.S.-Sugaon, District-East Champaran, Pin Code-855456.
4. Shashi Ranjan Kumar Son of Suresh Sharma Resident of Sharda Sada, Sir Ganesh Dutt Nagar, Raza Bazar, P.O. and P.S.-Jehanabad, District-Jehanabd, PIn Code-804408.
5. Nawin Kumar Son of Indradev Singh Resident of Ward No.28, Lohiya Nagar, Panhans, Suhird Nagar,P.O.-Agapur, P.S.-Mansurchak, District-Begusarai, Pin Code-851218.
6. Ajay Kumar Thakur Son of Ramparvesh Thakur Resident of Ward No.-02, Dhanushi, Bahilwara Tola, Dhanukhi, P.O.,P.S. and District Sitamarhi, Pin Code-843323.
7. Umesh Prasad Singh Son of Kedar Prasad Singh Resident of Bibiganj, Maida toil, Ward No.-18, Dinapur-Cum-Khagaul, P.O. and P.S.-Khagaul, District-Patna, Pin Code-801503.
8. Alok Kumar Son of Ram Chandra Prasad Singh Resident of Ashok Vihar Colony, Kolhua, P.O. and P.S.-Paigambarpur, District-Muzaffarpur, Pin-Code-843108.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Bihar, Patna.
2. Bihar Technical Service Commission, Patna thorough its Registrar
3. Chairman, Bihar Technical Service Service Commission, Patna.
4. Secretary, Bihar Technical Service Commission, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4131 of 2021

Umesh Prasad Singh Son of Kedar Prasad Singh Resident of Bibiganj Maida Toli, Ward No. 18, P.S. - Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administrative Department of Government



of Bihar, Patna.

3. The Bihar Technical Service Commission, through its Secretary, Bihar, Patna.
4. The Secretary, Bihar Technical Service Commission, Bihar, Patna.
5. The Deputy Secretary, Bihar Technical Service Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 3300 of 2021)

For the Petitioner/s : Mr.Abhinav Srivastava

For the Respondent/s : Mr.Lalit Kishore (Ag)

(In Civil Writ Jurisdiction Case No. 4131 of 2021)

For the Petitioner/s : Mr.Karandeep Kumar

For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

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

Heard learned counsel for the parties.

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

(i) Issuance of direction, order or writ,
including writ in the nature of mandamus commanding
the concerned respondent authorities under the Bihar
Technical Service Commission, Patna (hereinafter
referred to as “the Commission) to take steps towards
revising the list of candidate published by the
Commission for inviting them to participate in the
counselling for consideration of their cases for
appointment against the posts of Junior Engineers in
different branches under various departments of the
State Government pursuant to advertisement no.



01/2019 dated 8.3.2019 published by the Commission after removing the registration numbers/roll numbers of such candidates, other than those who had initially been precluded on account of being overage, who had not submitted their application forms by 15.4.2019, which was the last date prescribed for submission of online application forms in furtherance of the said advertisement no. 1 of 2019, and who had perchance applied when the link for submission of applications by candidates had been open for the period between 6.2.2020 to 17.2.2020 by the Commission without any rhyme or reason;

(ii) Issuance of direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to take steps towards redrawing the list of candidates who are to be called for participating in the process of counselling pursuant to advertisement no. 01 of 2019 by including only such candidates who were eligible and possessed the requisite qualification as on 15.4.2019 which was the last date indicated under the advertisement for submission of applications by an eligible candidates and had applied by that date and additionally allow only such candidates who had initially been precluded from applying on account of being overage and after making due verification of the authenticity and genuineness of the certificates, marksheets and other credentials submitted by the alongwith their online applications;

(iii) Issuance of a direction holding that only



such candidates who fulfilled all the conditions and criteria in furtherance of the advertisement no. 01/2019 for consideration of their cases for appointment against the post of Junior Engineers by 15.4.2019 and submitted their applications in the prescribed manner by the said date in addition to such candidates who had not been permitted to submit their application forms on account of being overage alone are eligible to participate in the process of selection for consideration of their cases for appointment against the post of Junior Engineers in different branches under various departments of the State Government pursuant to advertisement no. 01 of 2019 and such other candidates other than those who had been debarred at the first instance from submitting their application forms on account of being overage who also submitted their application forms when the portal for submission of the application forms was open between 6.2.2020 to 17.2.2020 pursuant to notice dated 3.2.2020 although they were not eligible or not had submitted their application forms in furtherance of advertisement no. 01/2019 by 15.4.2019 are not entitled for being allowed to participate in the process of selection pursuant to advertisement no. 01/2019 and accordingly, inclusion of their candidature in the list prepared by the Commission for conducting counselling is completely illegal and devoid of any sanction in the eyes of law the same being in blatant disregard and violation of articles 14 and 16 of the Constitution of India;



(iv) Issuance of ad interim direction upon the concerned respondent authorities under the Commission to refrain from conducting counselling in furtherance of the impugned list prepared for counseling of candidates for appointment against the post of Junior Engineers (Civil) pursuant to advertisement no. 01/2019 during the present writ petition before this Hon'ble Court;

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

Prima facie the petitioners have no statutory and legal right to seek the aforesaid relief for the simple reason that no communicated decisions have been placed on record so as to verify the allegations against the respondent Commission that they are violating the advertisement. That apart, the petitioners have not impleaded such of those persons whose applications are entertained by selecting authority and who are alleged to be not eligible. Further petitioners have opportunity of filing objections to provisional select list, or objections are not considered if it is finalized, even at that stage petitioners have cause of action to challenge the action of the selecting authority.

In the light of these facts and circumstances, the present petition is pre-mature, accordingly, writ petition stands dismissed, reserving liberty to the petitioners to file fresh



petition as and when cause of action arise.

The Registry is directed to detach the C.W.J.C. No. 4131 of 2021 and re-list the same separately on 22.2.2022 for further hearing.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.2.2022
Transmission Date	NA

