

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1926 of 2023**

Shweta Kumari Daughter of Varun Kumar, R/o- Mohalla- Chitragupt Nagar,  
Club Road, Behind Lord Budha Public School, P.S. Aurangabad, District-  
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Secretary, Bihar Public Service Commission, Bailey Road, Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Bailey Road, Bihar, Patna.
4. The Principal Secretary, General Administrative Department, New Secretariat, Bihar Patna.
5. The Section Officer- Cum Public Information Officer, Bihar Public Service Commission, Bailey Road, Bihar, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Tej Bahadur Singh, Sr. Adv with Mr.Ranjay Kumar Singh, Adv. |
| For the State        | : | Mr.Dhurendra Kumar, AC to GP5                                  |
| For the BPSC         | : | Mr.Sanjay Pandey with Mr. Nishant Kumar Jha, Advoates          |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      17-07-2023                      Heard learned counsel for the petitioner, learned  
counsel for the State and learned counsel for the B.P.S.C.

2. The instant writ application has been filed for the  
following reliefs:-

*“(i) For an issuance an appropriate writ order or  
direction to the respondent in the nature of mandamus  
for declaring the petitioner as successful candidate in*



*the advertisement No.86 of 2014 published by Bihar Public Service Commission Exam for appointment in agriculture department on various post.*

*(ii) For issuance of appropriate writ, order or direction to the respondent in nature of mandamus for providing the petitioner reservation as per new notification which was notified by the State Government during pendency of the advertisement No.86 of 2014.*

*(iii) For to issue an appropriate writ order direction to the respondent in the nature of mandamus to declare successful candidate as per her reserved category and after declaration further direct to issue joining letter in favour of the petitioner.*

*(iv) To grant any other relief or reliefs, under the fact and circumstances of the case to which the petitioner is entitled.”*

3. The Learned Senior Counsel, after some arguments, submits that the petitioner would be satisfied if at least her candidature may be considered against the vacancies remaining on account of non-joining of candidates in the general category. It is submitted that from the result dated 24.12.2021 it is manifest that the petitioner's claim has been considered in the unreserved category, due to non-production of non-creamy layer certificate for appointment against post reserved for the Extremely Backward Class caste category.

4. The submission of the learned Senior Counsel is resisted by the learned counsel appearing for the Commission.



He has submitted that the advertisement or rule does not provide for such consideration against post which have remained vacant due to non-joining of any candidate in any category. He further draws attention of this Court towards the fact that final recommendation of the selected candidates was sent by the Commission as far back as on 02.02.2022.

5. In the facts and circumstances, the submission regarding consideration of the petitioner's claims against post remaining vacant due to non-joining of candidates, now cannot be considered.

6. On consideration of rival submissions, this Court would find that once the final recommendation has been sent, at this belated stage there is no occasion for this Court to issue any directions. Petitioner has not shown any right based on any Rule or stipulation in the advertisement that posts which remained vacant after final recommendation, were to be filled up from amongst the remaining candidates like the petitioner. No case being made out on merits, the writ petition is dismissed.

**(Madhuresh Prasad, J)**

uttam/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

