

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3215 of 2023

In
Civil Writ Jurisdiction Case No.14421 of 2021

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Vijay Kumar Paswan Son of Late Khantar Paswan, Resident of Village-
Makkan Tola, P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Bihar Public Service Commission, Patna.
3. The Joint Secretary-cum-Controller of Examination, Bihar Public Service Commission, Patna.
4. The Secretary, Education Department, Government of Bihar, Patna.
5. The District Development Commissioner-cum-Chief Executive Officer, Jila Parishad. Khagaria.
6. The District Education Officer, Khagaria.
7. The District Programme Officer (Establishment), Education Department, Khagaria.
8. The Chairman, Jila Parishad, Khagaria.
9. The Headmaster, Adarsh High School, Pir Nagara, Khagaria.
10. The Employment Unit, Jila Parishad, Khagaria.
11. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr. Uma Shankar Prasad, Sr. Advocate Mr.Kamala Kant Tiwary, Advocate
For the State	:	Mr.Prabhakar Jha, GP-27 Mr. Umesh Narayan Dubey, AC to GP-27
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-12-2023 Heard learned senior counsel for the petitioner,

learned counsel for the State and learned counsel for the Bihar

Public Service Commission (hereinafter referred to as the

‘B.P.S.C.’).

2. This application has been filed seeking modification/clarification of the order dated 12.07.2023 passed by this Court in CWJC No. 9438 of 2023 heard along with CWJC No. 14421 of 2021.

3. At the outset, learned senior counsel for the petitioner submits that in the prayer portion the petitioner had rightly mentioned that this application is being filed for modification/clarification but at the instance of stamp reporter the word 'clarification' was pen down by the learned assisting counsel, however, this Court would allow him to add the word 'clarification' in the prayer portion.

4. To that extent, there is no objection by learned counsel for the B.P.S.C. and the State. Accordingly, permission is granted to add word 'clarification'.

5. Accordingly, this Court has heard the matter.

6. Learned senior counsel for the petitioner submits that pursuant to the order dated 12.07.2023, the petitioner was allowed to apply online under advertisement no.26 of 2023. He has also passed the examination held by the B.P.S.C. and has been selected provisionally. He has been given the appointment letter to join at the given place by 07.12.2023.

7. Learned senior counsel, however, submits that

while passing the order dated 12.07.2023, this Court observed in the penultimate paragraph as under:-

“By virtue of the order of the stay which is only for a limited purpose for the present, the petitioner would not draw any other advantage....”

8. Learned senior counsel submits that the observation of this Court is being misconstrued by the respondents and they are not issuing ‘no objection certificate’ and the ‘relieving order’ because of which the petitioner is unable to join at the given place.

9. Learned counsel for the B.P.S.C. and the State are present. Both the learned counsel have submitted that the documents such as ‘no objection certificate’ and the ‘relieving order’ are required and unless the petitioner makes available those two documents, he cannot be allowed to join.

10. Having heard learned senior counsel for the petitioner as well as learned counsel for the B.P.S.C. and the State, this Court would clarify that so far as the observations quoted hereinabove are concerned, those have been made only to say that by permitting the petitioner to make online application under advertisement no.26 of 2023, this Court is not allowing him to draw any other advantage, however, that cannot be construed to mean and understand that in case the petitioner

has been provisionally selected and appointed and for that purpose he requires no objection certificate and the relieving order the same can be withheld by the authorities concerned.

11. The authorities concerned i.e. the respondent nos.5, 9 and 10 are, therefore, directed not to misconstrue the observations of the Court and issue ‘no objection certificate’ and the ‘relieving order’, as the case may be, on or before 6th of December, 2023 if the petitioner is otherwise entitled for the same by virtue of the interim order of stay already granted in CWJC No.9438 of 2023.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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