

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1099 of 2020

1. Sunil Kumar, son of Vijay Kumar, Resident of village- Rasalpur, P.O. and P.S.- Phatua, District- Patna.
2. Satyendra Kumar Singh, son of Baidnath Singh, Resident of Ara Road, Bikramganj Near- Punjab National Bank, P.O. and P.S.- Bikramganj, District- Rohtas.
3. Mrityunjay Kumar, son of Late Anandi Prasad Yadav, Resident of village and P.O.- Shergarh, P.S. - Gogri District- Khagaria.
4. Vishal Kumar, Son of Jwala Prasad Jaiswal, Resident of DD Road, B.N. Mills Campus, ward No. 17, P.O. and P.S.- Farbisganj, District- Araria.
5. Satyendra Kumar Vidyarthi, Son of Ramprawesh Yadav, Resident of village- Kaithna, P.O. - Badalpura, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
3. The Bihar Public Service Commission, through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna - 800001.
4. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Sarita Bajaj, Advocate Ms. Ankita Agarwal, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad (Gp14)
For the B.P.S.C.	:	Mr. Kaushal Kumar Jha, Sr. Advocate Mr. Amish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 09-02-2024

Heard learned counsel for the petitioners, learned
counsel for the Bihar Public Service Commission and learned
counsel for the State.



2. Learned counsel for the petitioners submits that the present writ petition has been filed to set aside the amended final result published on 23.12.2019 by the Bihar Public Service Commission in connection with Advertisement No.90 of 2014, which was published in the year 2014 for the selection and appointment of Assistant Director (Horticulture) under Bihar Agriculture Service Group-7.

3. Learned counsel for the petitioners submits that initially total post for backward category was shown ten but final result was published on 11.05.2019 in which only four persons were recommended instead of ten. Counsel for the petitioners submits that the rule of game cannot be changed and, therefore, he submits that the said result should be quashed.

4. Learned counsel for the State has filed supplementary counter affidavit in which it has been specifically pleaded that the records available in the General Administration Department that prior to publication of Advertisement No.90/2014 of Bihar Public Service Commission, the department of Agriculture had sent a proposal of roster pertains to 36 vacant posts of Assistant Director (Horticulture) and for the same the instruction was furnished before the General Administration Department, total strength 46, working strength



10, vacancy 36 and last used roster point 16. But from perusal of the working strength, it appears that working strength of ten is not correct position and only four candidates of reserve category were working as 50 per cent of the reservation policy of the State a backlog of two posts were computed for reserve category. Thus, there were 34 pure vacancy is available for the particular transaction of appointment and this decision has been taken in the light of **R.K. Sabarwal Case**. Counsel submits that the General Administration Department has identified that agriculture department has not correctly calculated the vacancy position due to which earlier recommendation was sent to the Bihar Public Service Commission, in which ten posts were given to the BC category and no post was given to EBC as a current vacancy. But, subsequently, this mistake has been rectified at the level of General Administration Department and, hence, the requisition was directed to be amended sent earlier to the Bihar Public Service Commission and, accordingly, Bihar Public Service Commission has acted upon. In result, final publication of result has been made only for four candidates instead of ten.

5. Counsel for the State submits that it is a bonafide taken at the level of the clerical staff of the Agriculture



Department, which was rectified at the level of General Administration Department.

6. Learned counsel for the Bihar Public Service Commission submits that Bihar Public Service Commission is bound to follow the requisition, which was made earlier for ten candidates but subsequently it was changed and accordingly B.P.S.C. has acted upon. It has also been submitted by learned counsel for the Bihar Public Service Commission that B.P.S.C. has to work in accordance with the recommendation sent from the requisition department and, as such, no decision was taken at the level of the Bihar Public Service Commission.

7. In the light of the submissions made by the parties, it transpires to this Court that State has accepted that it is the mistake taken place at the level of Agriculture Department, subsequently rectified at the level of General Administration Department and the said result was changed and it is due to bonafide mistake.

8. In this view of the matter, this Court is not inclined to interfere in the said decision and, therefore, this writ petition is dismissed.

9. But this Court is very much concerned about the harassment took place to the petitioners and, therefore, State



is directed to pay compensation of Rs.5,000/- each to every
petitioners separately within one month from the date of
production of a copy of this order.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2024
Transmission Date	NA

