

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2653 of 2020

=====

Dipak Kumar, Son of Ganesh Prasad, Resident of Village- Dumri Dera Par,
P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, State of Bihar Patna.
4. The Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna.
5. The Bihar Staff Selection Commission, Veterinary College, Patna through Secretary.
6. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mayanand Jha, Sr. Advocate Mr. Gaurav Prakash, Advocate Ms. Ritika Rani, Advocate
For the State	:	Mr. Md. N. H. Khan, SC-1
For respondent Nos. 4 to 6	:	Mr. Satyam Shivam Sundaram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 09-02-2024

An intervenor petition bearing Interlocutory Application

No. 2 of 2024 has been filed under Rule 5 of Chapter XXIC of the Patna High Court Rules for adding the intervenor as party petitioner in the matter. Rule 5 reads as under :-

5. The notice of the application along with a copy of the application and annexures, if any, shall be served on all persons directly affected and on such other persons as the Court may direct:

Provided that on the hearing of any such application, any person who desires to be heard in opposition and appears to the Court to be a proper person to be heard shall be heard, notwithstanding that he has



not been served with notice of the application and shall be liable to costs in the discretion of the Court, if the order shall be made.”

According to the aforesaid rule, the provision of intervenor respondent is to be made and not the intervenor petitioner. As such, this interlocutory application is dismissed being not maintainable.

2. Heard learned counsel for the petitioner, learned counsel for the State, and learned counsel for the Bihar Staff Selection Commission.

3. The present writ petition has been filed to fill up the vacant post of Amin against the vacancy which existed prior to taking birth of Bihar Amin Cadre Rule, 2013 published in the Gazette on 14.02.2019, as contained in Annexure -15 to the writ petition.

4. Learned counsel for the petitioner submits that the petitioner participated against the advertisement for the post of Amin in which only three persons were selected against the total vacancy of 721 posts of Amin under the Revenue and Land Reforms Department, Government of Bihar, Patna. Learned counsel further submits that the State Government has taken a different approach about eligibility at different times due to which the matter was travelled up to the Hon’ble Supreme Court



in SLP (C) 2746/2023 in which the examination of Bihar Amin Cadre Rule, 2013 is pending which has to be taken place through the Bihar Staff Selection Commission.

5. In the background that the matter is pending before the Hon’ble Supreme Court, this Court is of the opinion that there is no need to pass an order in the present writ petition at this level. Accordingly, the writ petition stands disposed off granting liberty to the petitioner that the petitioner shall sue after the decision of the Hon’ble the Supreme Court in SLP (C) 2746 of 2023, in accordance with the law.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	13/02/2024
Transmission Date	NA

