

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5727 of 2023

1. Surya Prakash S/o Shiv Narayan Mandal, Resident of Ward No. 9, Kajaha, P.S.-Laukaha, District-Supaul.
2. Vinayak Kumar, S/o Mahadeo Singh, Resident of Ward No. 5, P.S.-Lakho, District-Begusarai.
3. Puja Kumari D/o Rameshwar Mehta, Resident of Ward No. 5, P.S.-Muffasil, District-Begusarai.
4. Anuj Kumar, S/o Umesh Prasad, Resident of Village-Upraora, P.S. Biharsharif, District-Nalanda.
5. Amit Mishra, S/o Kamalvilochan Mishra, Resident of Village-Narainpur, P.S.-Pathkauli, District-West Champaran.
6. Manish Kumar, S/o Dileep Kumar, Resident of Village-Mayabigha, P.S.-Nawada, District-Nawada.
7. Rahul Kumar, S/o Satya Narayan Prasad, Resident of Village-Mogalpura, Jamuni Rai Ka Kuan, P.S.-Khajekalan, Patna City, District-Patna.
8. Nitin Anand, S/o Karunesh Das, Resident of Village-Shantinagar, P.S.-Madhubani TOP, District-Purnea.
9. Pankaj Kumar, S/o Indramohan Thakur, Resident of Ward No. 8, Maranga, P.S.-Maranga, District-Purnea.
10. Raushan Kunal, S/o Gauri Shankar Prasad Gupta, Resident of Village-Kadirganj, P.S.-Nawada, District-Nawada.
11. Pawan Suman, S/o Satyendra Singh, Resident of Village-Janakpur, Madhumati Ashram, P.S.-Gaya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
5. The Bihar Technical Service Commission through its Secretary, 19 Harding Road, Patna.
6. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
7. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
8. The All India Council for Technical Education (AICTE) through its Member Secretary, Nelson Mandela Marg, Vasant Kunj, New Delhi-110070.
9. University Grant Commission Bahadurshah Zafar Marg, New Delhi.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5731 of 2023

1. Rajeev Kumar S/o Prem Kumar Gupta, Resident of North of Ram Kishore Apartment, Kailashpuri, Ward no. 34, P.S. - Saharsa, District - Saharsa.
2. Budhan Kumar, S/o Avdhesh Singh, Resident of Lila Ghat Bindtoli, P.S. - Sohta, District - Katihar.
3. Pradip Kumar Singh, S/o Ayodhi Singh, Resident of Thakur Ji, Kachari Tola, P.S. - Navgachia, District - Bhagalpur.
4. Subash Kumar @ Subhash Kumar S/o Binod Mandal, Resident of Jamalpur, Nagara, P.S. Najrah, District - Bhagalpur.
5. Lovely Kumari, C/o Manikant Kumar Singh, Resident of Ward no. 5, Thakur Ji, Kachari Tola, P.S. - Navgachia, District - Bhagalpur.
6. Shreekant Kumar, S/o Kamleshwari Singh, Resident of Thakur Ji, Kachari Tola, Kadwa, P.S. - Navgachia, District - Bhagalpur.
7. Manikant Kumar Singh, S/o Kamleshwari Prasad Singh, Resident of Thakur Ji, Kachari Tola, Kadwa, P.S. - Navgachia, District - Bhagalpur.
8. Pradip Kumar, S/o Chandradeo Bhagat, Resident of Dumri, P.S. - Dumri, District - Patna.
9. Nishant Kumar Thakur @ Nishant Kumar S/o Indra Kant Thakur, Resident of Road no. 14, Rajeev Nagar, P.S. - Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
5. The Bihar Technical Service Commission through its Secretary, 19 Harding Road, Patna.
6. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
7. The Chairman, Bihar Technical Service Commission, 19 Harding Road, Patna.
8. The All India Council For Technical Education (AICTE) through its Member Secretary, Nelson Mandela Marg, Vasant Kunj, New Delhi - 110070.
9. University Grant Commission, Bahadurshah Zafar Marg, New Delhi.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 5727 of 2023)

For the Petitioner/s : Mr.Samir Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar, AAG4
For AICTE : Ms. Archana, Advocate
For BTSC : Mr. Nikesh Kumar, Advocate
For UGC : Mr. Lakmesh Marvind, Advocate

(In Civil Writ Jurisdiction Case No. 5731 of 2023)

For the Petitioner/s : Mr.Samir Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG 4)
For AICTE : Ms. Archana, Advocate
For BTSC : Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 23-10-2024 The issue agitated in the instant writ petition is now settled insofar as the judgment of the Hon'ble Supreme Court dated 04.10.2022 in the case of Shashi Bhusan Prasad Singh vs. The State of Bihar & Others in Civil Appeal No. of 2024 (arising out of SLP (Civil) No. 7257 of 2023).

2. We extract paragraph no. 29 of the judgment here-in-below.

“29. Therefore, in light of the aforenoted position, the State action of scrapping the entire selection process is not permissible. In view of the peculiar circumstances of this case, particularly the prolonged pendency leading to huge number of vacant posts that hinder the Government's functioning, this Court finds it appropriate for the State/BTSC to proceed with the Fresh Select List submitted in compliance with the order dated 19.04.2022 in CWJC No. 7312/2021 which has attained finality, as



also taking into consideration as far as possible, the interest of the candidates who were found successful. Hence, the Fresh Select List must be appropriately revised in the following manner:

(i) The Fresh Select List be prepared in view of order dated 19.04.2022 passed by the High Court in CWJC No. 7312/2021.

(ii) The Fresh Select List shall also include as far as possible those meritorious candidates who were otherwise eligible but were declared ineligible solely on account of the 2017 amendment to the Rules i.e., on account of their institute not being recognised by the AICTE, and all similarly placed successful candidates.

(iii) The BTSC is directed to prepare the Revised Select List within 3 months of this Order and the State Government is directed to act upon the Revised Select List submitted by the Commission within a period of 30 days thereafter.”

3. We respectfully follow the Supreme Court judgment and direct that the selection be conducted as ordered by the Hon’ble Supreme Court.

4. In view of the above, the writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

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