

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.261 of 2024

In
Civil Writ Jurisdiction Case No.24716 of 2018

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Aditya Prakash Son of Late Pankaj Prakash, Resident of Care of Sri Gopal Prasad, Mohalla-Moti Chowk, Thana Road, P.O. and P.S.-Khagaul, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Learned Secretary, Law Department, Government of Bihar, Main Secretariat, Patna.
2. The Learned Registrar General of Honble High Court of Judicature at Patna.
3. The Learned Convenor, Coordination Committee cum Learned District and Sessions Judge, J.C. Road, Civil Court, Patna.
4. The Learned Registrar, Learned District and Sessions Judge, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 16-12-2024

Re : I.A. No. 1 of 2024

Heard I.A. No. 1 of 2024 filed for condonation of delay.

2. There is delay of about 1 year 4 months and 16 days. Even though sufficient cause has not been shown. Be that as it may, matter was allowed by the Co-ordinate Bench on 19.04.2023 in LPA No. 650 of 2022. Recently, the Hon'ble Supreme Court in the case of *Lt. Col Suprita Chandel vs. Union of India and Ors.* in Civil Appeal No. 1943 of 2022, in



Paragraph No. 14 held that similarly situated persons who have not obtained orders need not be driven to the Court. Paragraph 14 of the ***Lt. Col Suprita Chandel*** (cited *supra*) reads as under:

*“It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See ***Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others***, (1975) 4 SCC 714]”*

In other words, the concerned authority was required to extend similar benefits if the person approached for the second time is similar to such of those persons who have approached earlier. Hence, I.A. No. 1 of 2024, filed for condonation of delay, is allowed.

3. Learned counsels for the respective parties are not disputing that the present LPA is covered by the decision of the Co-ordinate Bench passed in LPA No. 650 of 2022. Accordingly, present LPA No. 261 of 2024 stands allowed in terms of order dated 19.04.2023 passed in LPA No. 650 of 2022.

4. At this stage, learned counsel for the appellant, on instruction, submitted that the appellant is stated to have claimed social reservation under BC category and, on the other hand, he is EBC category candidate. Irrespective of claiming social reservation, if the marks are taken into consideration, in



that event, his name is to be considered under general merit category candidate, since he has secured more marks than the last selected candidate under general category. This issue shall be taken note of by the competent authority and proceed to pass appropriate order within a period of two months from the date of receipt of this order. If the petitioner is otherwise eligible in that event except back wages, other service benefits shall be extended from the date of similarly situated candidates were appointed.

5. Accordingly, LPA No. 261 of 2024 stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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