

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.318 of 2024

In
Civil Writ Jurisdiction Case No.10339 of 2022

Dr. Shashi Gupta Wife of Anand Kumar Resident of Golghar, Park Road,
District- Patna, - Presently residing at House of Nagendra Singh (Jailor),
Mukhtar Toli (Near Bata Showroom) Nala Road, P.S.- Kadamkuan, District-
Patna- 800003.

... .. Appellant/s

Versus

1. The Bihar State University Service Commission 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna- 800001 through its Secretary.
2. The Secretary, The Bihar State University Service Commission, 8th Floor, Bihar School Examination Board, Academic Building, Budh Marg, Patna- 800001.
3. The Patna University, through its Registrar.
4. The Vice Chancellor, Patna University, Patna.
5. Rakesh Ranjan, Son of Shiv Shankar Prasad Yadav Resident of Golghar, Park Road, P.S.- Gandhi Maidan, District- Patna.
6. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
7. The Director, Mass Education-cum- Secretary, Bihar State Literacy Mission Authority, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prince Kumar Mishra, Advocate
For the Respondent No. 5	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Pranav Kumar, Advocate
		Ms. Shrishti Singh, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
For the University	:	Mr. Kinkar Kumar, Advocate
		Mr. Rajat, Advocate
For BSUSC	:	Mr. Harsh Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-04-2024 The appellant is concerned with an interim order
which directed the 5th respondent's joining to be accepted and



continue him, subject to the result of the writ petition. The appellant is the writ petitioner, who had challenged the selection of the 5th respondent before the learned Single Judge.

2. The learned Counsel appearing for the appellant would submit that in effect the interim order would be final disposal of the writ petition and the 5th respondent was directed to be appointed, in a writ petition filed by the appellant.

3. The learned Senior Counsel appearing for the private respondent however, would submit that CWJC No. 10339 of 2022 is posted on the 16.04.2024 for hearing as the first item.

4. We do not think that the interim order has disposed of the writ petition as such. The 5th respondent's joining was directed to be accepted only since the Education Department had taken steps in furtherance of the selection made.

5. The grievance of the petitioner is also with respect to the marks awarded for experience to the 5th respondent, which is also said to have been reviewed on the orders of another learned Single Judge.

6. Having heard the parties, we are not convinced that the impugned order disposes of the writ petition. The learned Single Judge has only directed joining of the 5th respondent to



be accepted since, already the Education Department had issued such orders.

7. Definitely the joining would be subject to the final result of the writ petition and since the matter is posted peremptorily on 16.04.2024, we would only request the learned Single Judge to hear the matter on 16.04.2024 itself.

8. The Letters Patent Appeal stands closed, leaving all contentions open before the learned Single Judge.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

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