

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.833 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.18447 of 2021**

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1. Seema Bharti Wife of Ram Narayan Mishra Resident of near Holly Mission School, Bangali Tola, Balbhadarpur, Police Station- Muffasil, District- Darbhanga.
  2. Prashant Kumar Jha Son of Bhup Narayan Jha Resident of Village- Mohna, Police Station- Rajaun, District- Banka.
  3. Rajendra Kumar Son of Late Mukhtar Kunwar Resident of Village- Sirsa Dighwaduboli, Police Station- Baikunthpur, District- Gopalganj.
  4. Abhik Avtans Son of Balendu Shekhar Tiwary Resident of flat No.6 Shivam Apartment, Harihar Singh Road, Morabadi, Police Station- Bariatu, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Chaitanya Prasad, the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. Dr. Pratima, The Commissioner-cum-Principal Secretary, Commercial Taxes, Govt. of Bihar, Patna.
3. S. Sidharth, The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Bihar Public Service Commission through its Secretary Jiut Singh.
5. Jiut Singh, The Secretary, the Bihar Public Service Commission, Patna.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s       | : | Mr. P.N. Shahi(Sr. Advocate)<br>Mr.Mukesh Kumar(Advocate)<br>Mr. Vikash Kumar Jha |
| For the Opposite Party/s : |   | Mr.Vikash Kumar (Sc11)                                                            |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

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

5      21-02-2024                      The present MJC is filed for non compliance of the  
order dated 29.10.2021 passed in CWJC No. 18447 of 2021.

2. Show cause was filed while furnishing one of the



document namely order dated 15.06.2022 in which they have taken certain policy decision for the purpose of amendment of Rule 39 of Bihar Financial Services Rules, 1953. Such stand has been taken by the official respondent way back in the month of June, 2022. Where as we are in the year 2024. On 31.01.2024, we had passed the following order:-

*“Peruse the show-cause along with the documents in particularly Order dated 15.06.2022, there is no positive decision. On the other hand, it is nothing but prolonging the matter; therefore, the State Respondents are hereby directed to give an undertaking by what date they could take positive decision either in favour of the petitioner or against the petitioner. Such undertaking shall be given before the next date of hearing.*

*2. Re-list this matter on 21.02.2024.”*

3. In the result respondents have filed supplementary show cause along with Annexure R-1 Memo No. 126 dated 08.01.2024. In paragraph 5 and 6, they have expressed certain administrative difficulty. Such administrative difficulty may not be a ground to take a policy decision. Be that as it may. Respondents are sleeping over the matter for the last about two years even pursuant to earlier show cause is taken into consideration. If they fail to undertake exercise of amending the



Rule 39 of Bihar Financial Services Rules, 1953 within four months from today, they are liable to pay cost of Rs. 50,000/- to the petitioners. Accordingly, the present MJC stands dropped, reserving liberty to the petitioners to file interlocutory application for revival of this order in the event of non-compliance of the orders of this court after four months.

**(P. B. Bajanthri, J)**

**( Alok Kumar Pandey, J)**

asmit/-

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