

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8258 of 2022

1. Jai Prakash Singh son of Late Baikunth Sharma R/o Village- Angrahi, P.S.- Daudnagar, District- Aurangabad (Bihar) at present posted as Junior Engineer, on contract basis in the office of Deputy Development Commissioner, MNREGA, Tekari, District- Gaya.
2. Satish Kumar son of Late Hari Shankar Prasad, R/o Village- Dostia, P.S.- Sonbarsha Araria, District- Sitamarhi, (Bihar) at present posted as Junior Engineer, on contract basis in the office of Bihar Education Project Council, District- Sheohar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Irrigation Department, Government of Bihar, Patna.
2. The Principal Secretary to the Government, Water Resources Department, Govt. of Bihar, Patna.
3. The Bihar Technical Service, Commission through its Secretary, 19, Harding Road, Patna.
4. The Chairman, Bihar Technical Service, Commission through its Secretary, 19, Harding Road, Patna.
5. The Deputy Secretary, Bihar Technical Service, Commission through its Secretary, 19, Harding Road, Patna.
6. Principal Secretary, Water Resources Department, Government of Bihar, Patna.
7. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
8. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
9. The Principal Secretary, Rural Work Department, Govt. of Bihar, Patna.
10. The Principal Secretary, Public Health and Engineering Department, Govt. of Bihar, Patna.
11. The Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
12. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
13. The Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Patna.
14. Rakesh Kumar Singh son of Chandradeo Singh, Registration No. BR0010010065004 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
15. Shubham Kumar Son of Raj Kumar Thakur, Registration No. BR0010010084384 through Secretary, Bihar Technical Service Commission,



Govt. of Bihar, Patna.

16. Sadhu Sharan Roy Son of Bijendra Roy, Registration No. BR0010010039785 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
17. Kumar Gaurav, Satish Kumar Registration No. BR0010010045847 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
18. Neha Kumari Daughter of Pramod Kumar, Registration No. BR0010010069497 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
19. Akhilesh Kumar Son of Ravindra Lal Dev, Registration No. BR0010010075094 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
20. Hemant Prasad Rajak Son of Naresh Rajak Registration No. BR0010010029681 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
21. Surgib Kumar Son of Kaulat Mandal Registration No. BR0010010076435 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
22. Jagdish Sharma Son of Rahur Shankar Kumar Manglam, Registration No. BR0010010041338 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
23. Chittu Kumar Son of Maheshwar Yadav, Registration No. BR0010010079888 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
24. Suman Kumar Son of Jitendra Kumar Registration No. BR0010010059444 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
25. Daya Shankar Choudhary Son of Yugeshwar Choudhary Registration No. BR0010010085256 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
26. Manoj Kumar Son of Rambriksha Mandal Registration No. BR0010010041535 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.
27. Ajay Kumar Son of Lalan Singh, Registration No. BR0010010082599 through Secretary, Bihar Technical Service Commission, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Ritika Rani, Advocate
For the State	:	Mr.Vinay Kirti Singh (Ga 2) Mr. Venkatesh Kirti, AC to GA-2
For the BTSC	:	Mr. Nilesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 09-01-2024 1. The present writ petition has been filed seeking the following reliefs:-

“A) For quashing the decision of Bihar Technical Service Commission with respect to petitioners which has been downloaded by the petitioners from the website of Bihar Technical Service Commission as contained in Annexure-18 series by which candidature of the petitioners against advertisement no. 1/2019 for appointment to the post of Junior Engineer (Civil) has been cancelled without notice on the ground the petitioners qualification are not equivalent to Diploma in Civil Engineering.

(B)Also for commanding the respondents to consider the case of the petitioners for appointment to the post of Junior Engineer (Civil) against advertisement no. 1/2019 considering the qualification of the petitioners i.e Diploma in construction Technology issued by Padma Shri Dr. Bithal Rao Bikey Patil Foundation Polytechnic, Ahmadnagar is equivalent to Diploma in Civil Engineering which is the criteria of Advertisement no.1/2019 for appointment to the post of Junior Engineer under 60% open category.

(C)For commanding the Bihar Technical Service Commission for appointment to the post of Junior Engineer (Civil) against advertisement no. 1/2019 the day from which the lesser marks than the petitioners have been selected /appointed.

(D) For commanding the state respondents to appoint the petitioners to the post of Junior Engineer (Civil) the day



from which lesser marks than the petitioners have been selected as per result published on 02.04.2022.

(E) For commanding the state respondents to make payment of salary, pay protection, seniority and other consequential service benefit from the day persons having lesser marks than the petitioners Diploma in Civil Engineering against Advertisement No. 1/2019.

(F) For quashing the office order vide Memo No. 636 dated 02.04.2022 issued under the signature of Secretary, Bihar Technical Service Commission as contained in Annexure-22 by which after selection allotment of department categorywise after fixing cut off marks as per clause 10 and 11 of Bihar Technical Service Commission Selection Procedure Rule, 2018 has been issued under 60% open category Junior Engineer (Civil), Electrical and Mechanical, 40% Bihar Govt. Polytechnic Junior Engineer (Civil), Electrical and Mechanical and details of handicapped and dependent of freedom fighter total 6449 posts against Advertisement No 12019 as contained in Annexure-13.

(G) To hold and declare selection of Junior Engineer vide letter no.636 dated 02.04.2022 as contained in Annexure-22 is in violation of Rule 9, 10, 11 of Bihar Technical Service Commission procedure Rule 2018, Rule 11 of the Bihar Water Resources Department subordinate Recruitment Rule 2015 (hereinafter referred as Rule 2015) selection of Junior Engineer under 60% open category of Junior Engineer (Civil), Electrical and Mechanical and 40% Bihar Government Polytechnic to the post of Junior Engineer (Civil), Electrical and



Mechanical and list of handicapped and freedom fighter.

(H) To hold and declare process of selection and allotment of department of Junior Engineer (Civil) against Advertisement No. 1/2019 issued by the Secretary, Bihar Technical Service Commission vide letter no.636 dated 02.04.2022 is untransparent, arbitrariness, mala fide, unreasonable and in complete violation of Article 14 and 16 of the Constitution of India and equity.

(I) For quashing office order vide memo no. 636 dated 02.04.2022 issued under the signature of Secretary, Bihar Technical Service Commission as contained in Annexure-22 mainly on the reason selection and allotment of department has been made in very arbitrary, pick and choose policy and ignoring the merit of candidates including the petitioner.

(J) For commanding the respondents to issue merit list as per Rule 9, 10, 11 of Rule 2018, Rule 11 of Rule 2015, Rule 4(A), 4(B), 4(c) and Rule 11 of Rule 2017 and clause 4(iv)(ka), 4(iv)(kha) and 4(iv)(Ga) of advertisement no 1/2019.

(K) To hold and declare selection list and allotment of department issued by the Bihar Technical Service Commission vide letter no. 636 dated 02.04.2022 as contained in Annexure-22 is also based on farji certificate and the candidates who have not got qualification of Diploma from the Institute recognized by AICTE or UGC deemed University as required qualification mentioned in advertisement no. 1/2019, rule 9 (i)(iii) of Rules 2015, fake Diploma certificate in



complete violation of Bihar Reservation Act, 1991.”

2. At the outset, the learned counsel for the respondent-Bihar Technical Service Commission, Patna submits that since the advertisement in question has already stood withdrawn, the present writ petition has been rendered infructuous.

3. In view of the aforesaid, the learned counsel for the petitioner submits that if that be the position, the present writ petition be disposed off.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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