

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9413 of 2024

1. Niraj Kumar Verma Son of Late Manohar Prasad Verma Resident of LIG 101 Saheed Bhagat Singh Colony, Mustaffabad, P.O. and P.S. Rampur, Gaya, Bihar-823001.
2. Binod Kumar Singh, Son of Shri Fagendra Singh, Resident of Village and P.O.- Chouki, P.S.- Sahebpur Kamal, District- Begusarai, Bihar- 851217.
3. Rajesh Kumar Sinha, Son of Late Jainandan Prasad, Resident of C/o Shri Sunil Kumar Sinha, Naya Gaon, Near Ganga X-ray, T.B. Hospital, P.O.- Guljarbag, P.S.- Alamganj, District- Patna, Bihar- 800007.
4. Prabhat Kumar Singh, Son of Late Rameshwar Prasad Singh, Resident of Village- Dharampur, P.O.- Madhodih, P.S.- Harpur, District- Munger, Bihar- 813221.
5. Shamsheer Alam, Son of Wali Mohammad, Resident of Village- Lakhno, P.O.- Chakand, P.S.- Chandautei, District- Gaya, Bihar-804404.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Director, Department of Agriculture, Government of Bihar, Patna.
5. The Bihar Public Service Commission through the Secretary, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
6. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.
7. The Controller of Examination, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the State/Resp.	:	Mr. Suman Kumar Jha, AC to AAG-3
For the Resp.No.5 to 7	:	Mr. Kameshwar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 19-07-2024 It is the grievance of the petitioners that they have been working in the Agricultural Department on contractual basis. Petitioner Nos. 1 to 4 was appointed w.e.f. 01.11.2012 as



Deputy Project Director (Agricultural Technology Management Agency). The petitioner No.5 has been working on deputation at Bihar Agricultural Management and Extension Training Institute, Patna since 15.08.2006.

2. That on 14.10.2014, the Agriculture Department, Government of Bihar issued Notification No.4674 for recruitment to various posts of Bihar Agricultural Service (Category-I). In the notification, however, there was no declaration regarding grant of wait-age to the contractual employees like the petitioners. The petitioner No.1 and some other similarly placed candidates challenged the said notification by filing a writ petition being C.W.J.C. No.2454 of 2018 and interim order was passed on 27.03.2018 by the Division Bench of this Court, directing the respondent/State of Bihar to consider the issue relating to grant of wait-age to the candidates working in the department on contractual basis. In pursuance of the said order, the Controller Bihar Public Service Commission issued a notification dated 10.01.2024. In Clause-IV of the said notification, it is stated in respect of the candidates who have been working as contractual employees under the Agricultural Department that their aggregate mark will be calculated taking into account 75% points/marks from the



written and oral examination and 25% of the points/waitage/marks would be awarded to the said contractual employees at the rate of 5 marks for one year.

3. It is the grievance of the petitioners that the selection list after the written examination was not published by Bihar Public Service Commission, taking 75% marks of the written examination and 25% of wait-age for their work experience. Had the mark of the petitioners been calculated in the manner stated in Clause-IV, the petitioners would have been selected for interview. It is also contended on behalf of the petitioners that the interview is in progress.

4. The learned Advocate on behalf of the BPSC, on the other hand, submits that the petitioners have failed to produce any document to show that aggregate number of the candidates having contractual experience had not been calculated on the basis of Clause-IV of the Notification dated 10.01.2024 issued by the Controller of Examination, Bihar Public Service Commission.

5. Be that as it may, I am inclined to dispose of the writ petition with the following direction that the respondent Nos. 5 to 7, shall consider the grievance of the petitioners and pass a reasoned order stating as to whether, their aggregate mark



in the written examination was calculated after giving wait-age against their work experience as contractual employees. If such exercise has not been done, the respondent Nos. 5 to 7 are directed to conduct such exercise and come to a specific finding as to whether, the petitioners would acquire minimum cut of mark to be considered for interview.

6. The petitioners are directed to serve a copy of the writ petition with all annexures to respondent Nos. 5, 6 & 7 and the respondents shall consider the same as the representation of the petitioners. The above decision shall be taken within 15 days from the date of communication and receipt of the copy of the writ petition, considering the fact that the process of interview is in progress.

7. The instant writ petition is, accordingly, disposed of.

8. In the meantime, the above named respondents shall not publish the final result of the examination.

(Bibek Chaudhuri, J)

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