

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15609 of 2019

1. Mithilesh Kumar Aditya Son of Sri Gyananand Singh Resident of Amulya Ghosh Road, Near Government Girls High School, Kharmanchak, P.S.-Kotwali, District-Bhagalpur, Pin-812001
2. Arvind Kumar Son of Shri Tuni Lal Sah Resident of At and Post-Mahiyama, P.S.-Sanhaura, District-Bhagalpur, Pin-813205
3. Rajesh Kumar Son of Shri Bhuwaneswar Prasad Resident of House No. S/212 A, Shadhnepuri, Aam Bagicha, P.O.-Patna G.P.O., P.S.-Gardanibagh, District-Patna, Pin-800001
4. Anil Kumar Verma Son of Late Anandi Prasad Verma Resident of Flat No. 312, Altis Chandra Greens, Road No. 6C, Gardanibagh, P.S. Gardanibagh, District-Patna, Pin-800001
5. Birendra Kumar Son of Shri Ramjanam Singh R/o Village-Ebrahimpur, Post Ankuri (Goh), District-Aurangabad, Pin-824203
6. Shakti Kumar Prasad Son of Shri Rajendra Ram R/o At and Post and P.S.-Rosera, District-Samastipur, District-848210
7. Bharat Prasad Son of Late Bhagwat Prasad R/o 201, Deo Bhawan, Khagaul Road, Mithapur, District-Patna, Pin-800001
8. Shiv Shankar Prasad Son of Late Kailash Prasad R/o At-Nisarpura, P.O. Amarpura, P.S.-Naubatpur, District-Patna, Pin-801109
9. Deepak Kumar Son of Shri Baleshwar Prasad R/o Chandmari Road, P.S.-Kankerbagh, District-Patna, Pin-800026
10. Bilok Ranjan Son of Late J. Ranjan R/o Hanuman Nagar, P.S.-Kankerbagh, District-Patna, Pin-800026
11. Rajeev Ranjan Kumar S/o Late K. Narayan R/o Village and Post-Chhota Singhanpur, District-Buxar, Pin-802129
12. Mukesh Kumar Son of Late Damodar Mandal R/o At-Gandhipur, P.O. and P.S.-Bariyarpur, District-Munger, Pin-811211
13. Md. Ali Son of Md. Alltaw Hassan R/o Mohalla-Sakunat, P.O. and P.S.-Sheikhpura, District-Sheikhpura, Pin 811105
14. Amit Kumar Son of Shri Umakant Singh R/o Adarsh Colony, At and P.O.-Agamkuan, District-Patna, Pin-800007
15. Satyanarayan Singh Son of Late Lallan Prasad Singh R/o Jay Prakash Nagar, Post-G.P.O., District-Patna, Pin-800001



16. Satyendra Kumar Son of Shri Rajendra Prasad R/o Village and Post-Sadipur,
P.S. Nawada, District-Nawada, Pin-805104
17. Vimal Anand Son of Shri Arjun Das R/o Village and Post and P.S.-Belhar,
District-Banka, Pin-813202

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary
2. Principal Secretary General Administration Department, Bihar, Patna
3. Principal Secretary Department of Parliamentary Affairs, Government of
Bihar, Patna
4. Principal Secretary Finance Department, Government of Bihar, Patna
5. Principal Secretary Department of Law, Government of Bihar, Patna
6. Bihar Legislative Assembly Bihar, Patna through its Secretary
7. Bihar Public Service Commission Patna through its Secretary
8. Chairman Bihar Public Service Commission, Patna
9. Secretary Bihar Public Service Commission, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. P.K.Shahi, AG
		Mr. Rajendra Narain, Sr. Advocate
		Mr. Abhishek Kumar Singh, Advocate
		Mr. Kausal Kumar Singh, Advocate
		Mr. Kunal Tiwary, AC to GA 2
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

14 28-11-2024 The petitioners were employees of the Bihar State
Legislative Assembly who were working as Assistants. The writ



petition was filed since the respondent-State attempted to amend the rules for promotion to the post of Section Officers from the post of Assistant which, earlier was completely to be sourced from Assistants on the basis of the seniority-cum-eligibility. The impugned rules in the writ petition, Annexure-6, sought for 50% direct recruitment to the post of Section Officers.

2. The learned counsel for the petitioners submitted that pursuant to the selection held, 50% direct recruitment and 50% promotions, some of the petitioners were granted promotion as Section Officers.

3. It is trite that a change in the service rules bringing in a provision for direct recruitment, but, retaining a ratio of appointment of direct recruits and promotees would only result in reduction of chances of promotion, which cannot be validly challenged by the in service candidates.

4. We are afraid that there could be no interference to the rules on the grounds stated in the writ petition.

5. The learned counsel for the respondents however, would submit that there was a departmental enquiry initiated against some of the petitioners which led to the filing of the writ petition. The departmental proceeding is not at all a matter agitated in the writ petition and we would not make any



observation on that.

6. On the finding that the rules could not be validly challenged, we reject the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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