

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10781 of 2024

1. Soma Thakur Wife of Naveen Kumar, resident of C/65, Novelty, Road No.2, P.O. - Hanuman Nagar, P.S.- Kankarbagh, District and Town- Patna.
2. Mani Kant. Son of Rama Kant Srivastava, resident of Ward No.12, Near Chanchal Baba Math, Ambika Nagar, P.O. - Motihari, P.S.- Motihari, District - East Champaran (Bihar).
3. Srikant Pandey, Son of Bhuwaneshwar Pandey, resident of 19 Gurugai, P.O. - Ginjothakurgaon, P.S.- Gurugai, District- Ranchi (Jharkhand).
4. Shaheen Zafar, Son of Dr Syed Mohammad Azfar, resident of Flat No. B/101, Manjushree Complex, Phulwari, P.O Patna GPO, P.S.- Phulwarl Sharif, District and Town-Patna.
5. Harsh Vardhan Son of Harish Kumar Singh, resident of Flat No. 302, Prerna Kunj, Arya Samaj Mandir, P.O. Danapur, P.S.- Danapur, District and Town-Patna.
6. Rakesh Kumar, Son of Tanik Prasad Singh, resident of House No. C/19, Krishi Nagar, A G Colony, P.O - Shastri Nagar, P.S.- Shastri Nagar, District and Town-Patna.
7. Vivek Kumar Pandey, Son of Akhilesh Pandey, resident of Jamuna Raj Niwas, East Boring Road, P.O. - Buddha Colony, P.S.- Buddha Colony, District and Town- Patna.
8. Bimlendu Kumar, Son of Dr. Binay Kumar Chaudhary, resident of opposite of M.R.M. College, P.O - Darbhanga, P.S.- Darbhanga, District- Darbhanga (Bihar).
9. Pankaj Kumar Kashyap, Son of Nawal Kishor Sharma, resident of Village Lakhansambha, P.O. Makhdumpur, P.S.- Saren, District - Jehanabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Secretary, General Administration Department, Government of Bihar, Patna.
5. The Under Secretary, General Administration Department, Government of Bihar, Patna.
6. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
7. The Bihar Public Service Commission, through its Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
8. The Chairman, Bihar Public Service Commission, Bihar, Patna.
9. The Special Secretary-Cum-Examination Controller, Bihar Public Service Commission, Bihar, Patna.

... .. Respondent/s



Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
	:	Mr. Alok Abhinav, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, GP 27
	:	Mr. Mukund Mohan Jha, AC to GP 27
For B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
	:	Mr. Nishant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-07-2024 1. After some arguments, learned counsel for the petitioners seeks to withdraw the present writ application with liberty to challenge the selection of reserved candidates on the basis of *Bihar Reservation of Vacancies in Posts and Services (For Scheduled Castes, Scheduled Tribes and Other Backward Classes) Amendment Act, 2023 (hereinafter referred to as “the Act, 2023”)*, by which the reservation quota has been raised to 65%, excluding Economically Weaker Section.
2. Learned counsel for the petitioners submits that the *Act, 2023* has been declared ultra vires but still the State as well as Bihar Public Service Commission are accepting the application form for appointment of Assistant Professors in different Medical Colleges and Hospitals.
3. Learned counsel for the Bihar Public Service Commission and State have no objection.
4. Permission, so sought by the petitioners, is granted.
5. Accordingly, the present writ application is dismissed as withdrawn, however with liberty to the petitioners



to challenge the selection of reserved candidates on the basis of
Act, 2023.

(Anil Kumar Sinha, J)

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