

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13108 of 2024

1. Nirmal Kumar, Son of Krishna Deo Prasad, Resident of village- Miizjapur, P.S.- Sabour, District- Bhagalpur.
2. Dharmendra Kumar @ Dharmendra Mandal, Son of Kisto Mandal, Resident of village- Mohuddinagar, P.S.- Mojahidpur, District- Bhagalpur.
3. Binay Kumar Roy, Son of Munilal Roy, Resident of village- Dandabazar, P.S.- Goradih, District- Bhagalpur.
4. Mithilesh Kumar, Son of Bijay Prasad Yadav, Resident of village- Gaurachaunki, P.S.- Kajrailli, District- Bhagalpur.
5. Pankaj Mandal, Son of Dewan Mandal, Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.
6. Mister Alam, Son of Md. Ishak Ansari, Resident of village- Nagar Tola, P.S.- Kharik, District- Bhagalpur.
7. Ritesh Kumar, Son of Kailash Narendra Prasad Sah, Resident of village- Gaurachaunki, P.S.- Kajrailli, District- Bhagalpur.
8. Amrita Devi @ Amrita Kumari, W/o Nirmal Kumar, Resident of village- Mirzapur, P.S.- Sabour, District- Bhagalpur.
9. Diwakar Kumar Diwana, Son of Mahesh Prasad Chaudhary, Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.
10. Vikash Kumar Paswan, Son of Pradeep Paswan, Resident of village- Chandheri, P.S.- Sabour, District- Bhagalpur.
11. Rajesh Kumar Sah, Son of Kailash Narendra Prasad Sah, Resident of vill- Gaurachaunki, P.S.- Kajrailli, District- Bhagalpur.
12. Shambhu Chaudhary, Resident of village- R.B.B.S. Sahay Road, near blind School, Bhikhanpur, P.S.- Ishakchak, District- Bhagalpur.
13. Nautan Kumari, W/o Ganesh Mandal, Resident of village- Bhikhanpur, Gumti no 2, P.S.- Ishakchak, District- Bhagalpur.
14. Babita Kumari Wife of Manohar Mandal Resident of village- Rattipur, P.S.- Shankarpur, District- Bhagalpur.
15. Raja Alam, Son of Ishak Mansoori, Resident of village- Ward no. 12, Nagartola, P.S.- Ishakchak, District- Bhagalpur.
16. Tanuja Devi, wife of Shambhu Chaudhary, Resident of village- R.B.B.S. Sahay Road, near blind School, Bhikhanpur, P.S.- Ishakchak, District- Bhagalpur.
17. Chaya Kumari @ Chaya Devi, W/o Ramashray Kunwar, Resident of village- Chotti Bhabnathpur, P.S.- Nathnagar, District- Bhagalpur.
18. Kartik Mandal, Son of Shankar Mandal, Resident of village- Bhikhanpur, gumti no. 2, P.S.- Ishakchak, District- Bhagalpur.
19. Binod Kumar Mandal, Son of Buddhu Mandal, Resident of village- Babupur, P.S.- Sabour, District Bhagalpur.

... .. Petitioner/s



Versus

1. The State of Bihar through principal secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate Mr. Swapnil Kumar Singh, Advocate Mr. Shubham Raj, Advocate
For the State	:	Mr. Government Pleader (19)
For the BSSC	:	Mr. Madanjit, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 10-09-2024 In the instant writ petition, the petitioners have prayed for issuance of an appropriate writ/writs, order/orders in the nature of mandamus directing and commanding the respondents to include the names of the petitioners whose names are appearing in the last panel list prepared by the respondent, namely, Bihar Staff Selection Committee (hereinafter described as “BSSC”) for the appointment of IVth Grade employee in the different government offices in the district of Bhagalpur pursuant to the advertisement published on 20th December 2016 in which earlier the District Selection Committee, Bhagalpur prepared panel containing the names of the petitioners and subsequently, on the basis of a notification



dated 31st March 2023, the said panel was rejected on the ground that the respondent authority took subsequent decision that the empanelled candidates will have to file online applications for taking part in the recruitment process.

2. It is contended by the petitioners that an advertisement was published on 20th December 2016 by Bhagalpur Collectorate, whereby and whereunder, applications were invited from eligible candidates who have requisite qualifications for appointment on IVth Grade employee in different offices falling under Muffassil and Regional levels in the District of Bhagalpur. In pursuance to such advertisement, as many as 15865 numbers of of candidates submitted their applications and a panel was prepared by the Recruitment Committee containing the names of the petitioners.

3. The said advertisement was challenged by some persons by filing CWJC No. 18612 of 2019 and other analogous cases, before this Court. It was found by this Court that at the time of preparation of panel fair procedure was not adopted by the concerned authority and, therefore, the writ petitions were disposed of directing the respondent authorities to select the candidates on the basis of the result of a written examination and to conclude the appointment process within a period of



three months. The said period has already been over. The petitions were unaware about the subsequent notice issued by the BSSC on 31st March 2023 allowing and directing the candidates who were already on panel to submit fresh online application within a period between 10th April 2023 and 01st May 2023.

4. It is contended on behalf of the petitioners that most of the petitioners reside in remote villages and the subsequent advertisement dated 31st March 2023 for online application was not advertised in any newspaper, therefore, the petitioners were absolutely ignorant about the requirement of filling online application, however, the names of the petitioners found place in the previous panel prepared by the Bhagalpur Collectorate. In view of such circumstances, the petitioners have prayed for a direction upon the respondents to allow them to fill online application.

5. The learned Advocate General, on the other hand, submits that the notice of appointment of IVth Grade employees in different government offices in the District of Bhagalpur through an online process was issued on 31st March 2023. The said notice was published in the newspaper on 13th April 2023. The date of filling up of online form was fixed in between 10th



April 2023 and 01st May 2023. Amongst the candidates who were previously empanelled, as many as 2912 candidates filed online application during the cut-off date. There are two types of candidates, one who passed 08th standard and others who passed 10th standard. The date of examination of these two types of candidates have already been fixed on 15th September 2024 and 19th September 2024. At this state, if the BSSC is directed to re-open the website for online application on the basis of the prayer made by the petitioners, there will be a chaotic condition and the BSSC could not be able to hold examination of the candidates on the above-mentioned fixed dates.

6. In view of such circumstances, the petitioners' prayer is vitiated by delay and laches. The petitioners are not entitled to get any relief in the instant writ petition.

7. I have duly considered the submissions made by the learned Advocate on behalf of the petitioner and the learned Advocate General. Initially, this Court was of the view that since the process of the examination is not complete, the petitioners whose names appeared in the previous panel list might be granted liberty to fill up online application within a specific period of time. The petitioners who would fill online applications may be directed to appear in the recruitment



examination, however, such prayer could not be allowed at this stage due to delay and laches on the part of the petitioners.

8. The petitioners have filed the instant writ petition on 02nd August 2024, when the date of examination was fixed on 15th September 2024 and 19th September 2024.

9. For the reasons stated above, I am not in a position to grant any equitable relief in favour of the petitioners in the instant writ petition and accordingly, the instant writ petition is dismissed on contest.

10. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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