

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14502 of 2024

1. Pandav Kumar Nirala Son of Sri Ram Charan Das, R/O Vill. Sargho, Police Station-Sabour, in the district of Bhagalpur.
2. Manoj Kumar Mandal, Son of Sri Jai Kishore Mandal, R/O Vill. Chhoti Ebrahimpur, P.S.-Sabour, in the district of Bhagalpur.
3. Shailendra Prasad, Son of Sri Bansi Ram, R/o Muhalla-Manaskamnath Mandir Road, P.S.-Nath Nagar in the district of Bhagalpur.
4. Vikas Kumar Sinha, son of Sri Vipin Chandra Sinha, R/o Vill. Nauthartoli (Shermari), Police Station-Peerpanti in the district of Bhagalpur.
5. Md. Ata Ullah Son of Md. Abdus Samad, R/o Vill Sahamat Hussain Lane Islam Nagar Bhikhanpur, Bhagalpur.
6. Ajit Kumar Rajak, Son of Jichho Rajak, R/o Vill- Dhanuk Toli Gali Sahebganj Champanagar, P.S. Visvavidyalay, District-Bhagalpur.
7. Anuj Kumar, son of Nakul Prasad Mandal, R/o Vill. Gamhariya, P.S. Jagnathpur in the district of Saraikela in the State of Jharkhand.
8. Manu Kumar Jha, son of Sri Ravindra Nath Jha, R/o Village Ekdara, P.S. Budhuchak Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar.
2. The District Magistrate cum Collector, Bhagalpur.
3. The Principal Secretary General Administration, Govt. of Bihar, Patna.
4. The Deputy Collector, Bhagalpur.
5. The Deputy Development Commissioner, Bhagalpur.
6. The Senior Deputy Collector, District Establishment Section, Bhagalpur.
7. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.
8. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the State	:	Mr. Vinay Kirti Singh, GA-2, Mr. Rajan Prakash, AC to GA-2
For the B.S.S.C. (respondents 7 & 8	:	Mr. Madanjeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 26-09-2024

On the basis of an Advertisement in the year 2016,



examination for selection of the candidates in Group-D posts in the District were conducted in the year 2019. A merit list was prepared in the year 2020 giving weightage to all the candidates on the basis of their age. Subsequently, in view of the Judgment dated 18th December, 2019, passed in ***C.W.J.C. No. 18612 of 2019 (Kapil Kumar & Others Vrs. The State of Bihar & Others)***, the matter of selection was given to the Bihar Staff Selection Commission with a direction to hold examination for the purpose of selection. The applicants, who submitted application in the District were allowed to file online application. The examination was held as one time measure. Accordingly examination was held on 15.09.2024 and 19.09.2024.

2. Admittedly, petitioners crossed the age limit for appointment. In the instant writ petition, the petitioners have challenged the Advertisement and examination process. Since the examination is already over, the instant writ petition becomes infructuous.

3. At this stage, learned Advocate for the petitioners submits that the petitioners may be appointed on the basis of their age and the panel, which was prepared by the District Level Appointment Committee.



4. In the instant writ petition, such relief cannot be claimed because this will change the cause of action of the instant writ petition.

5. Therefore, I do not find any merit in the instant writ petition and the same is dismissed.

6. However, the petitioners are at liberty to file a fresh writ petition with a new prayer and in such case the Court will consider the same on merit.

(Bibek Chaudhuri, J)

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