

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16515 of 2024

1. Tilak Kumar Das Son of Nepal Chandra Das Resident of Village- Good Milki Maranga, P.O.- Lalganj, P.S. K. Hat, District- Purnea, Bihar.
2. Prawej Alam Son of Abdul Haque Resident of Village- Guagachchi, Muslim Tola, P.O.- Kankash, P.S.- Manihari, District- Katihar, Bihar.
3. Ravindra Kumar Mandal Son of Jaylal Mandal Resident of Village - Bathnaha, P.O.- Belha, P.S. - Phulparas, District - Madhubani, Bihar.
4. Rajesh Kumar Son of Subelal Mandal Resident of Village - Gorgama, P.O. and P.S.- Phulparas, District- Madhubani, Bihar.
5. Sandeep Kumar Son of Pitambar Sahni Resident of Village - Dhankharaiya ,P.O. and P.S. Harisidhi, District - East Champaran, Bihar.
6. Ashutosh Kumar Son of Late Ram Janma Prajapati Resident of Village- Masihabad, P.O.- Padri, P.S.-Shivsagar, District- Rohtas (Sasaram), Bihar.
7. Vishwajeet Kumar Sharma Son of Ramprit Sharma Resident of Village- Angarghat, P.O. and P.S.- Angarghat, District- Samastipur, Bihar
8. Ranjeet Kumar Son of Ram Vinay Sah Resident of Village- Khortha, P.O.- Belahiya, P.S.- Taryani, District- Sheohar, Bihar.
9. Ishiya Khatoon D/o Md. Mustafa Resident of Village- Lalganj, P.O. and P.S.- Mairwa, District- Siwan, Bihar.
10. Ganesh Prasad Gupta S/o Dukho Prasad Gupta Resident of Village- Karsar, P.O.- Karsar, P.S. and District- Supaul, Bihar.
11. Sushil Kumar Singh Son of Surendra Singh Resident of Village Karsar, P.O.- Karsar, P.S.- Raghunathpur, District- Siwan, Bihar.
12. Rajesh Kumar Son of Late Ram Dayal Singh Resident of Village-Jethuli, P.O.- Kachchi Dargah, P.S. -Nadi, District - Patna.
13. Alka Kumari D/o Prajapati Nath Tiwari Resident of Mohalla-Sarswati Nagar, Ward No.12, P.O.- Barwat Pasrain, P.S. Muffasil Bettiah, District - West Champaran, Bihar.
14. Suraj Kumar Uranv Son of Bijendra Uranv Resident of Village Jhangar Toli, P.O. Madhukar Chak, P.S. Bihariganj, District Madhepura, Bihar.
15. Shalini Pandey D/o. Amarnath Pandey Resident of Village - Pareji, P.O.- Jaijor, P.S. Andor, District-Siwan, Bihar.
16. Sudha Chauhan D/o. Sri Brij Kishor Chauhan Resident of Mohalla- Azadnagar Colony Chandrabhanpur P.O.- Maunath Bhajan, P.S.- Kotwali Maunath Bhanjan, District- Maunath Bhanjan, Uttar Pradesh.
17. Ayushe Pandey D/o. Ram Chandra Pandey Grant Purvi, P.O.- Keshav Nagar Grant, P.S.- Khudare, District- Gonda, Uttar Pradesh.

... .. 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 Additional Chief Secretary, Education Department, Government of Bihar, Patna.
4. The Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.
6. The Bihar Public Service Commission, through its Chairman, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.
7. The Chairman, Bihar Public Service Commission, Bihar, Patna.
8. The Secretary, Bihar Public Service Commission, Bihar, Patna.
9. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate
For the Respondent/s	:	Mr. Government Pleader 12
For the BPSC	:	Ms. Parul Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-11-2024 Heard the parties.

2. Learned counsel for the petitioners submits that identical issue has been decided by a Co-ordinate Bench of this Court *vide* order, dated 18.07.2024, passed in **C.W.J.C. No. 1151 of 2024 (Dhirendra Kumar & Ors, versus The State of Bihar & Ors.)**. The Co-ordinate Bench in paragraph no. 56 of the aforesaid judgment has issued the following directions:-

"(i) The respondent nos. 1, 2, 3 and 4 are directed to identify the number of vacancies that have arisen due to non- appointment of the candidates recommended by the B.P.S.C. as primary teacher for class I-V pursuant to the Advertisement No. 26/2023 for want of requisite qualifications and convey it to the respondent nos.



5, 6 and 7.

(ii) The respondent nos. 5, 6 and 7, on receipt of the above information, shall publish a supplementary result in order of merit from the selection held pursuant to Advertisement No. 26 of 2023, subject to the candidate(s) having secured the cut off marks and meets the cut off date of birth prescribed by the B.P.S.C."

3. Learned counsel for the Bihar Public Service Commission submits that liberty may be given to the respondents to examine as to whether the case of the petitioners is covered by the aforesaid judgment or not. He further submits that against the aforesaid order, State has already filed LPA No. 1030 of 2024.

4. Liberty is granted.

5. However, the present writ application is disposed of exactly in terms of the order, dated 18.07.2024, passed in C.W.J.C. No. 1151 of 2024, subject to the outcome of LPA No. 1030 of 2024 which is said to have been filed by the State.

(Prabhat Kumar Singh, J)

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