

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17020 of 2024

1. Pankaj Kumar Son of Lal Krishan Choudhary Resident of Village- Hathsarganj, P.S and PO.- Hajipur, District - Vaishali.
2. Manjee Tiwari, Son of- Chandeshwar Tiwari Resident of Village- Baheri, P.S and P.O.- Kargahar, District- Rohtas.
3. Pradeep Kumar Paswan, Son of Bhaiyalal Paswan Resident of Village- Danwar, P.S- Kachhwan P.O. Danwar, District- Rohtas.
4. Prabhat Kumar, Son of Mahendra Poddar Resident of Village- Keos Jagir, P.S- Samastipur, P.O. Keos Nizamat, District -Samastipur.
5. Prabhat Kumar, Son of Manbodh Prasad Yadav Resident of Village- Parihari, P.S- Kumarkhand P.O. Shripur Millik, District - Madhepura.
6. Pappu Kumar Prabhat, Son of Manohar Prasad Yadav Resident of Village- Dudhaile, P.S- Sonbarsa Kachri P.O.- Dudhaile, District-Saharsa
7. Sudhansu Raj Son of Kishori Mohan Prasad Resident of Village- Pakri Barawan, PS and PO - Pakri Barawan, District - Nawada
8. Sanjeev Kumar Son of Shambhu Yadav Resident of Village- Shivenagar Parriya, P.S- Kumarkhand P.O.- Rampatly, District - Madhepura
9. Vijay Kumar Son of Deokrishna Yadav Resident of Village- Khontaha, P.S- Birpur, P.O.- Bhimnagar, District - Supaul.
10. Pappu Sah, Son of Rang ji Sah Resident of Village- Baradih, P.S- Kochas, P.O.- Mahuaari, District- Rohtas.
11. Om Prakash Kumar, Son of Chandrama Roy Resident of Village- Mahana, P.S- Bhagwanpur Hat, P.O.- Bansohi Sagar Sultanpur, District - Siwan.
12. Priyanshu Kumar, Son of Shashi Bhushan Prasad Resident of Village- Hathwan, P.S.- Alauli, P.O.- Hathwan, District - Khagaria.
13. Arun Kumar, Son of Kishori Rai, Resident of Village- Kumharaul, P.S.- Gayghat, P.O.- Munni Bengari, District Muzaffarpur.
14. Anil Kumar Yadav, Son of Gorakh Nath Yadav, Resident of Village- Chhotka Manjha Dakshintola, P.S.- Mairwa, P.O.- Chhotka Manjha, District -Siwan.
15. Anju Kumari, Daughter of Surendra Chaudhary Resident of Village- Dighi, P.S and P.O. Bathnaha, District Sitamarhi.
16. Brajesh Kumar, Son of Dasharath Mehta, Resident of Village- Rampur, P.S. Nabinagar, P.O.- Kandi, District Aurangabad.
17. Prakash Kumar, Son of Niwas Pandit Resident of Village- Khirnia, PS- Mansi, P.O.- Balhabazar, District - Khagaria.
18. Jitendra Kumar, Son of- Naresh Das Resident of Village- Dasmuhalla, P.S and PO - Nabinagar, District - Aurangabad.
19. Jayprakash Singh, Son of Hirdaynand Singh Resident of Village Sikathi, P.S.- Dhansoi, P.O.- Sikathi, District Buxar.
20. Vikash Kumar, Son of Subodh Singh, Resident of Village- Mustafapur, P.S. Surajghara, P.O. Mustafapur, District Lakhisarai.



21. Vikash Kumar, Son of Suryadeo Singh, Resident of Village Bardih, P.S. Islampur, P.O.- Bardih, District- Nalanda.
22. Sanoj Kumar Pandit, Son of Jalo Pandit, Resident of Village- Kharik Purvi Gharari, P.S- Kharik P.O.- Kharik Bazar, District - Bhagalpur.
23. Rakesh Kumar, Son of Gopi Yadav, Resident of Village- Madari, P.S- Sheikhpura, P.O.- Bhadous, District - Sheikhpura.
24. Arvind Kumar, Son of Bhupendra Yadav, Resident of Village- Bancholaha, P.S- Sourbazar P.O.- Khajuri, District - Saharsa.
25. Navin Kumar Son of- Tanik Mandal, Resident of Village- Gopalpur, P.S- Chanan P.O.- Gopalpur, District - Lakhisarai.
26. Chandan Kumar Singh, Son of Bateshwar Singh, Resident of Village- Maheshpur, P.S- Tarapur P.O.- Launa, District - Munger.
27. Sudama Thakur, Son of Arun Thakur, Resident of Village- Dadhpa, P.S- Kutumba, P.O.- Amba, District - Aurangabad.
28. Pramod Kumar, Son of Basudev Yadav, Resident of Village- Jamuaha, PS- Kumar Khand PO-Ram Patti, District- Madhepura.
29. Pappu Kumar, Son of Umesh Prasad Yadav, Resident of Village Mangrauni, P.S- Mahishi PO.- Aina District Saharsa.
30. Suraj Kumar, Son of- Surendra Prasad Yadav, Resident of Village Koparia, P.S- Salkhua P.O- Koparia, District Saharsa.
31. Srikanti Kumari, Daughter of Bhaiyaram Singh, Resident of Village Pharpur, P.S- Kellar PO- Kellar, District Arwal.
32. Sangita Rani, Daughter of- Upendar Singh, Resident of Village- Dihra, P.S- Obra PO-Dihra, District - Aurangabad.
33. Ranjeet Kumar Sahu, Son of Laltun Sahu, Resident of Village- Nadiyami, P.S- Sakatpur PO- Kurson- Nadiyami, District Darbhanga.
34. Preeti Kumari, Daughter of- Kishor Kumar, Resident of Village- Matadih Chowk, P.S- Dharahara P.O.- Jamalpur, District - Munger.
35. Manish Kumar, Son of Anil Ray, Resident of Village Mattunaroi, P.S- Sahebpur Kamal P.O. Sanha, District - Begusarai.
36. Madan Kumar, Son of- Ramsagar Choudhary, Resident of Village Dandari, P.S- Dandari P.O. Dandari, District - Begusarai.
37. Lalu Kumar, Son of Suresh Yadav, Resident of Village- Miralipur, P.S- Ballia P.O.- Gokhle Nagar Bishnupur, District - Begusarai.
38. Kundan Kumar Singh, Son of Gajadhar Prasad Singh, Resident of Village Pasraha, P.S. and P.O. Pasraha, District - Khagaria.
39. Kaushik Kumar, Son of Girja Nandan Prasad, Resident of Village Akauni, PS- Daudnagar P.O. Akauni, District - Aurangabad.
40. Nitish Kumar, Son of Raghav Prasad, Resident of Village- Gora Semra, P.S- Majhauilya P.O- Kathaiya, District - West Champaran.
41. Nitish Kumar, Son of Mahendra Prasad Singh, Resident of Village- Jhikuli, P.S and PO.- Sangrampur, District - Munger.
42. Mukund Madhav, Son of Shakti Nandan Kumar, Resident of Village-



Shambhunathpur Dholi, P.S- Sakra P.O.- T.C.A. Dholi, District - Muzaffarpur.

- 43. Mantu Kumar Ram, Son of Sudarshan Ram, Resident of Village- Medaripur, P.S- Karghar P.O.- Silari, District - Rohtas.
- 44. Nitu Kumari, Daughter of Ram Prakash Singh, Resident of Village and P.O and P.S-Dharhara, District- Munger.
- 45. Sudhanshu Kumar, Son of Rajesh Prasad Yadav, Resident of Village- Paria Sotipur, P.O-Bariarpur, P.S- Bariarpur, District- Munger.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
- 2. The Bihar Public Service Commissioner through its Secretary, Government of Bihar, Patna.
- 3. The Chairman, Bihar Public Service Commission, (TRE III) Government of Bihar, Patna.
- 4. The Joint Secretary-cum-Examination Controller, (TRE III) Bihar Public Service Commission, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Sri Dinu Kumar, Advocate Smt. Ritika Rani, Advocate
For the State	:	Sri SC-24 Sri AC to SC-24
For the BPSC	:	Sri Sanjay Pandey, Advocate Sri Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
Date : 26-11-2024

Heard Sri Dinu Kumar learned counsel for the petitioners, learned AC to SC-24 for the State and Sri Sanjay Pandey learned counsel appearing on behalf of the Bihar Public Service Commission (in short ‘Commission’).

2. Learned counsel for the petitioners submits that in sum and substance the relief claimed in the instant writ application is that the Commission be directed not to publish the result of such differently abled category candidates from outside Bihar by extending them the



benefit of reservation to which they are not entitled in terms of memo no. 11 dated 15.11.2022 (Annexure-P/5) issued by the under Secretary, General Administrative Department, Government of Bihar, Patna.

3. Learned counsel for the petitioners submits that from perusal of Annexure-P/5 to the writ application, it would manifest that the under Secretary, General Administration Department, Government of Bihar has addressed a letter to one Sri Sahab Hussain wherein it has been recorded that those differently abled candidates from outside Bihar shall not be given the benefit of reservation in the State of Bihar, however, they will be entitled for selection as a general category candidate based on merits. Learned counsel further submits that the petitioners are apprehensive that when the result of TRE III shall be published then the Commission will commit the same irregularities/illegalities as committed when the result of TRE I and TRE II was published for which the petitioners have already filed writ applications which are pending adjudication before this Court on the ground that such differently abled candidates from outside Bihar have been given the benefit of reservation in the selection process in the State of Bihar despite they being not entitled too. Learned counsel next submits that the instant writ application was filed on 30.10.2024 with a prayer for a direction upon the respondent authorities not to grant benefit to those differently abled candidates from outside Bihar by extending them the benefit of reservation as was done when merit list of TRE I and TRE II was published.



4. Sri Sanjay Pandey learned counsel appearing on behalf of the Commission submits that the writ application appears to be prematured for the reason that when the writ application was filed at that time the merit list of TRE III was not even published as such the writ application came to be filed based on apprehension that the Commission may commit irregularities/illegalities by extending benefit of reservation to those differently abled candidates who have appeared in the selection process from outside Bihar, as such, it is submitted that the writ application has been filed based on an apprehension, as such, the petitioners at the time of filing the writ applications were not in the category of aggrieved, hence, had no locus to maintain the writ application.

5. Learned counsel appearing on behalf of the Commission further submits that merely because some writ applications have been filed before this Court as submitted by the learned counsel for the petitioners seeking to challenge the merit list published in pursuance of examination conducted with regard to TRE I and TRE 2 on the ground that benefit of reservation has been extended to differently abled candidates from outside Bihar despite they not being entitled too that in itself does not give credence to the contention of the petitioners that the averments made in the aforesaid writ applications are correct when the writ applications are still to be adjudicated by this Court.

6. Learned counsel for the Commission vehemently submits that if the Court allows such writ petitions to be entertained in that event



frivolous writ applications will be filed, as such, the writ application be dismissed with heavy cost.

7. The Court completely concurs with the submission of the learned counsel appearing on behalf of the Commission.

8. From the pleadings made in the writ application and in the nature of relief sought for, it becomes clear that when the writ application was filed by that time, the merit list of TRE III was not published, as such, the petitioners were not in the category of aggrieved, hence, had no locus to maintain the writ application based on apprehension that the Commission will commit an illegality while publishing the merit list by giving benefit of reservation to differently abled candidate from outside Bihar.

9. The Court, prima facie, was of the view to dismiss the writ application with cost but since the petitioners are applicants for being appointed as teachers, hence, refrains.

10. After hearing the learned counsel for the parties, the Court finds no merit in the writ application and, accordingly, the writ application is dismissed.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	26.11.2024
Transmission Date	

