

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16730 of 2024

1. Om Prakash son of Raman Jee Mandal resident of Village-Adavan, P.O- Thathopur, P.S.-Baheri, District- Darbhanga.
2. Seema Yadav daughter of Nand Lal Yadav resident of Village-Gobarahan, P.O- Khuthan, P.S.- Khuthan, District-Jaunpur (UP).
3. Dipak Kumar son of Lal Ji Prasad resident of Village-Bhopatpur, P.O- Binha, P.S.-Sahatwar, District- Ballia (UP).
4. Priya daughter of Guni Ram Verma resident of Village-Barwa Bithalpur, P.O- Shadipur, P.S.-Ibrahimpur, District-Ambekar Nagar (UP).
5. Pankaj Maurya son of Premchandra Maurya resident of Village-Bankat, P.O- Karwi, P.S.- Karwi, District- Chitrakoot (UP).
6. Neha Tiwari daughter of Ganesh Prasad Tiwari, resident of Village-K.B. Nagar, P.O. Fatehpur, P.S Kotwali, District-Fatehpur (UP).
7. Saurabh Kumar son of Ram Shankar resident of Village- Kotavakhariya, P.O- Nirkhi Dayal Nagar, P.S. Chandpur, District- Fatehpur (UP).
8. Poonam Yadav daughter of Jai Ram Yadav resident of Village-Chatkanwa, P.O- Chuwad, P.S.-Khodare, District-Gonda (UP).
9. Saumya Singh daughter of Satyam Singh resident of Village-Alamganj, P.O- sadar, P.S.-Kotwali, District-Jaunpur (UP)
10. Alok Raj son of Sanjay Kumar resident of Village-Ajgaiba, P.O- Ajgaiba, P.S.-Sour Bazar, District- Saharsa (Bihar).
11. Jyoti daughter of Ranjeet Singh resident of Village-Jwas, P.O- Dhiradar, P.S.-Barahiya, District- Lakhisarai (Bihar).
12. Vijay Giri son of Maniram Giri resident of Village-Rewriya, P.O- Chauja, P.S.-Dullahapur, District- Ghazipur (UP).
13. Naima Jafar d/0 of Jafruddin resident of Village-Nagla Mewati, P.O- Mohali, P.S.-Highway, District-Mathura (UP).
14. Hari Om son of Natthu, resident of Village-Baseti, P.O- Baseti, P.S.-Emaliya Sultanpur, District- SitaPura(UP).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Additional Chief Secretary, Education Department, Old Secretariat, Bailey Road, Patna-800015.
3. The Secretary, Education Department, Old Secretariat, Bailey Road, Patna-800015.
4. The Director, Secondary Education, Education Department, Old Secretariat, Bailey Road, Patna-800015.
5. The Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.
6. The Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru



Marg, Bailey Road, Patna.

7. The Joint Secretary -cum- Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha, Advocate
For the Respondent/s : Mr. S.K.Ranjan, AC to GP 17
For the BPSC : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 11-11-2024 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."

2. 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 LPANo.1030 of 2024.

3. Liberty is granted.

4. 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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