

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16876 of 2024

1. Sobhendra Kumar Yadav Son of Raj Kumar Yadav, Resident of Village-Jhitaki, Post Office-Bangama, Police Station-Laukahi, District-Madhubani, Pin 847108.
2. Deep Raj, Son of Hira Lal Prasad, Resident of Village-Lakhanpur, Ward No. 8, Post Office-Lakhanpur, Police Station-Lauriya, District-West Champaran, Pin 845453.
3. Vinay Kumar Shukla, Son of Girish Kumar Shukla, Resident of Village-Bankata, Post Office-Lalpur, Police Station-Payagpur, District-Bahraich, Uttar Pradesh-271871.
4. Shubham Singh, son of Shivnath Singh, Resident of Village-Ekta Colony, Kanpur Road (Manoj Electronic) Post Office-Etawah, Police Station-Etawah, District-Etawah, Uttar Pradesh-206001.
5. Shilip Gautam, daughter of Bambam Kumar, resident of Village-Morsand, Post Office-Morsand, Police Station-Pusa, District-Samastipur, Pin-848115.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
3. The Secretary, Education Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
4. The Director Secondary Education, Education Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
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.Munna Kumar Upadhyay
For the State	:	Mr. A.B. Sinha, AC to GA 8
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 LPA No. 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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