

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6144 of 2018

1. Vinod Kumar Yadav, Son of Bachche Lal Yadav, Resident of Village- Brahamotra, Police Station- Arer, District- Madhubani, Roll No. 21503951.
2. Dharendra Prasad Dhir, Son of Ramvaran Gop, Resident of Village- Bulakipur, Police Station- Dalsingh Sarai, District- Samastipur, Roll No. 21505061.
3. Arun Kumar, Son of Satyendra Kumar, Resident of Village- Janaro, Police Station- Ben, District- Nalanda, Roll No. 21506964.
4. Amit Kumar, Son of Mahendra Prasad Singh, Resident of Village- Nepura, Police Station- Asthawan, District- Nalanda, Roll No. 21508970.
5. Shankar Prasad Rai, Son of Late Daroga Rai, Resident of Village- Shilhauri, Police Station- Marhowrah, District- Saran at Chapra, Roll No. 21504111.
6. Prakash Kumar, Son of Narendra Singh, Resident of Village- Gangapur, Police Station- Hulasganj, District- Jehanabad, Roll No. 21504445.
7. Awadhesh Kumar, Son of Chandeshwar Prasad, Resident of Narainpur, Police Station- Tharthari, District- Nalanda, Roll No. 21502808.
8. Hare Ram @ Hare Ram Yadav, Son of Ramovatar Yadav, Resident of Village- Basaha, Police Station- Babubahari, District- Madhubani, Roll No. 21500136.
9. Awadh Kishore Prasad, Son of Kapildeo Singh, Resident of Village- Gosai Bigha, Police Station- Akbarpur, District- Nawada, Roll No. 21504945.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Agriculture Department, Government of Bihar, Patna.
3. The Director Administration-cum-Additional Secretary, Department of Agriculture, Patna.
4. The Agriculture Production Commissioner, Bihar, Patna.
5. The Bihar Staff Selection Commission, Patna through its Secretary.
6. The Chairman of the Bihar Staff Selection Commission, Patna.
7. The Secretary of the Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar, Advocate
For the State	:	Ms. Nilotpal Sharma, AC to GP-21
For the BSSC	:	Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 28-02-2024



Heard learned counsel for the petitioners, learned counsel for the State, and learned counsel for the Bihar Staff Selection Commission (hereinafter referred to as 'the Commission').

2. The present writ petition has been filed for quashing the District Recommendation list dated 29.12.2017 for the post of Agriculture Co-coordinator in pursuance to the Advt. No. 02010115 issued and published by the respondent Commission, Patna by which the name of the petitioner and other similarly situated candidates have been left out in B.C. Category as well as for quashing of the order contained in Memo No. 36 dated 08.01.2018 passed and issued by the Director, Agriculture, Bihar, Patna by which the appointment process for the other candidates excluding the petitioners has been started. The petitioner has also prayed for stay of the appointment process for the post of Agriculture co-coordinator, in the light of the Adv. No. 02010115.

3. Learned counsel for the petitioners submits that the petitioners appeared in the appointment process for the post of Agriculture Co-coordinator in different blocks and districts of Bihar including 534 posts under the B.C. category in the light of the advertisement No. 02010115. Learned counsel further



submits that the petitioners and others having requisite qualifications were finally selected and recommended for appointment under the BC category by the respondent -Commission. The result of the BC category candidates was published on 24.11.2017. The said result was also published on the official website of the Commission. Subsequently, a combined revised merit list of a of total 3600 candidates was published including the Roll No. of the petitioners and other 93 candidates of the B.C. Category. On the same date, i.e. on 29.12.2017, a district recommendation list was published by the Commission of a total of 3507 candidates only leaving behind 93 candidates from B.C. Category including the petitioners. The petitioners being aggrieved and dissatisfied with the merit list dated 29.12.2017, filed the present writ petition.

4. Learned counsel for the petitioners further submits that in the present writ there were only 9 petitioners whereas a batch of 11 petitioners and 15 petitioners have filed the different writ petitions which ultimately travelled up to LPA bearing LPA No. 519 of 2023 along with LPA No. 520 of 2023 in which vide order dated 12.01.2024, a Division Bench of this Hon'ble Court has pleased to hold as under :-

“26. We hold that the 93 vacancies created by shifting of ‘the MRC’ candidates to the



districts which they opted should be filled up by those reserved candidates, they would unsettle in the optional districts to which they were appointed. Though reference was made to Annexure-7, the initial opinion of the General Administration Department and the opinion of the Advocate General, we are of the view that this does not regulate the adjudication of the issue agitated herein, which is also governed by decisions of the Hon'ble Supreme Court. Our interpretation would prevail over that of the department and the Learned Advocate General.

27. The appeals are allowed with the aforesaid directions leaving the parties to suffer their respective costs.”

5. Therefore, the counsel for the petitioners submits that the present petitioners are also entitled for the same relief as granted to those petitioners of the aforementioned LPA as their case is similarly situated.

6. On the other hand learned counsel for the State submits that the grievance of the petitioners is against the Commission only and not against the State.

7. Learned counsel for the Commission submits that in the LPA mentioned above, the dispute has been settled and, therefore, the present writ petition may also disposed off in the



light of the observation made by the Hon’ble Division Bench.

8. In the light of the submissions made above, the writ petition is disposed off in light of the observation made in paragraphs nos. 26 and 27 of the case decided in LPA No. 519 of 2023 and analogous case

9. In this view of the matter, it is only directed to the Commission to take decisions in the matter of all the 93 candidates including the present petitioners within a fixed time frame.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06.03.2024
Transmission Date	NA

