

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2079 of 2025

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Deepak Jha son of Govind Jha, Resident of Village and P.O.-Chandrain, P.S.-
Nauhata, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Science and Technology, Government of Bihar, Patna.
3. The Principal Secretary, Irrigation Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
6. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
7. The Principal Secretary, Rural Work Department, Government of Bihar, Patna.
8. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
9. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
10. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
11. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
12. The Bihar Technical Service Commission through its Secretary, Government of Bihar, Patna.
13. The Secretary, Bihar Technical Service Commission, Government of Bihar, Patna.
14. The Chairman, Bihar Technical Service Commission, Government of Bihar, Patna.
15. The In-Charge Secretary, Bihar Technical Service Commission, 19 Harding Road, Patna.
16. Khusbu Kumari, Daughter of Vikash Kumar through Bihar Technical Service Commission, Patna. Serial No. 346, Registration No. BR00150010108435.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Ms.Ritika Rani, Advocate



Mr. Vardaan Mangalam, Advocate

For the Respondent/s : Mr. Ajit Kumar, GA-9
For BTSC : Mr. Nikesh Kumar, Advocate
Mr. Akshansh Shanker, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-02-2025

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Technical Service Commission.

2. The present Writ Petition has been filed for the following relief/s :-

" 1. For quashing the part of the result published under the signature of the In-Charge Secretary, Bihar Technical Service Commission on 20/12/24 as contained in Annexure P/11, in which name of the petitioner do not find place against advertisement no.1/2019 with respect to 60% open category in the Economically Weaker Section.

II. For quashing the objection raised by the Bihar Technical Service Commission by which the candidature of the petitioner has been rejected/cancelled as contained in Annexure P/7 by which the petitioner has not been selected for appointment to the post of Junior Engineer (Civil) against advertisement no.1/2019 and private respondent who has scored lesser marks then the petitioner has been selected against advertisement no.1/2019.

III. To hold and declare the Swami Vivekanand University, Sagar, Madhya Pradesh, the



private institute from where the petitioner got his Diploma in Civil Engineering is competent to issue Diploma degree and the petitioner has not passed Diploma in Non-Distance mode from a Deemed University is arbitrary, illegal, malafide and bad-in-law.

IV. For commanding the Bihar Technical Service Commission to declare the result of the petitioner and recommend the name of the petitioner for appointment to the post of Junior Engineer (Civil) against advertisement no.1/2019 in EWS category considering the marks of the petitioner 62.625% and institution of the petitioner.

V For commanding the state respondents to issue appointment letter considering the merit position of the petitioner in the EWS category and grant seniority, pay protection and other consequential service benefits for which the petitioner on the reason private respondent who has scored lesser marks than the petitioner has been selected against advertisement no.1/2019 for appointment to the post of Junior Engineer (Civil) in 60% open in EWS category.

VI. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioners are entitled in the eye of law."

3. Learned counsel for the petitioner submits that his case is squarely covered by the findings in the case of ***Shashi Bhushan Prasad Singh vs. the State of Bihar and Ors. (SLP***



(Civil) No. 7257 of 2023). He further submits that paragraphs 21 and 27(ii) of the judgment are particularly relevant. Learned counsel also submits that a similarly situated individual has been granted relief by a co-ordinate Bench of this Court in its order dated 03.12.2024 passed in **CWJC No. 241 of 2022, titled Rishi Kumar vs. the State of Bihar and Ors.** Paragraph 27 of the said judgment is relevant. Hence, the petitioner's case should be considered in light of the above-cited judgments.

4. Learned counsel for the Bihar Technical Service Commission submits that the counter affidavit is not on record and it shall be appropriate to pass order only after filing of the counter affidavit.

5. Learned counsel for the State submits that while the counter affidavit is necessary, he further submits that a direction may be given to consider the petitioner's case, as his representation is pending, within the domain of the two cited decisions. If it is found that the petitioner is entitled to relief under these decisions, then the petitioner should be granted the appropriate relief.

6. In light of the submissions made, and particularly keeping in mind the relevance of Clause 4C of the Bihar State Litigation Policy, 2011, which is helpful to the petitioner, this



Court, considering the present facts and circumstances and the fact that the petitioner’s representation is still pending, hereby disposes of the writ petition. The Court directs the petitioner to file a fresh representation before Respondent No. 13, namely the Secretary, Bihar Technical Service Commission, Government of Bihar, Patna. The respondent No. 13, upon considering the decisions rendered in the two cited cases and their applicability to the petitioner’s case, shall pass a final order within 60 days from the date of receipt/production of a copy of this order.

Ashwini/-

(Dr. Anshuman, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/02/2025
Transmission Date	NA

