

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2807 of 2025

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Sangeeta Kumari Wife of Vijay Kumar Ram, Resident of Village- Baishakhi,
P.O.- Hardia, P.S.- O.P. Sarai, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, General Administration Department, Government of Bihar, Patna.
4. The Secretary, Education Department, Government of Bihar, Patna.
5. The Joint Secretary, General Administration Department, Government of Bihar, Patna.
6. The Director, Secondary Education, Government of Bihar, Patna.
7. The Bihar Public Service Commission, through its Chairman, 15, Nehru Path (Bailey Road), Patna.
8. The Secretary, Bihar Public Service Commission 15, Nehru Path (Bailey Road), Patna.
9. The Examination Controller, Bihar Public Service Commission 15, Nehru Path (Bailey Road), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, (SC 25)
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-02-2025 Heard Mr. Bajarangi Lal, learned counsel appearing on behalf of the petitioner; Mr. Sajid Salim Khan, learned SC 25 for the State and Mr. Sanjay Pandey along with Mr. Nishant Kr. Jha, learned counsels for the BPSC.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-



“i. For a direction upon the respondent authorities to grant allocation /allotment of district as per the preference/option given by the petitioner in the application from filled up for appointment to the post of School Teacher in Hindi subject for class 11-12 under Advertisement no.22/2024 which has been filled up in column 10 of the application form as per Clause 4 of the Advertisement no.22/2024 but the petitioner has been illegally and arbitrarily allotted Sheohar district ignoring that as per roaster seats for SC/SC(Female) category in the districts of preferences are still vacant and have not been allotted to candidates.

II. For setting aside the allotment of district so far it relates to the petitioner vide communication dated 10-01-2025 issued by the Examination Controller of the BPSC where by at serial no.400 petitioner has been illegally and arbitrarily allotted Sheohar district ignoring the preferences of District given by the petitioner in para 10 of the application form as per clause 4 of the advertisement despite the fact that vacancies are still existing in the opted district in Hindi subject under SC/SC (Female) category in the three districts of Siwan, Saran and Gopalganj.

iii. And/or for any other relief / reliefs to which the petitioner is entitled in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the petitioner submitted that pursuant to the advertisement No.22 of 2024, dated 07.02.2024, the petitioner applied for the post of school teacher in Hindi subject and she became successful and she finds place at serial No.400, however, against the terms and conditions of Clause 4 of the advertisement, relating to preference, the petitioner has been allotted Sheohar district, ignoring the preference of district opted by her. Learned counsel further submitted that the illegality has been committed by the examining body and it is the examining body to re-examine the case of the petitioner, also taking into account that



one post in SC Female Category is still vacant in all the three districts opted by the petitioner. There has been violation of fundamental right of the petitioner as contained in Articles 14, 16 and 21 of the Constitution of India.

4. *Per contra*, learned counsel appearing on behalf of the respondents has elaborately placed the terms and conditions contained in Clause 4 of the Advertisement, relating to allotment as per the preference. The petitioner has admitted that she finds her name at serial no.400 and in view of the terms and conditions, the petitioner could not be given preference at the choice places because more meritorious candidates were given preference over the petitioner in her category. The exercise was conducted as per the terms and conditions of the advertisement, which provides that in case, the petitioner don't find place as per the merit in all the three districts choices, then as per the English alphabetical letter, the vacant post will be allotted in the district. Accordingly, the petitioner has been allotted Sheohar district. On these grounds, learned counsel submitted that the present writ petition is fit to be dismissed.

5. Having considered the rival submissions made on behalf of the parties, as well as, the fact that it has been informed in paragraph no.12 of the writ petition specifically that



one post in each three districts chosen by the petitioner as per her preference still lies vacant in SC Female category and, as such, the petitioner case be considered taking into account the said position. The selection process has already been completed and in that view, the petitioner may approach the Additional Chief Secretary, Education Department, Bihar, who may get the information in respect of the claim of the petitioner in light of the information contained in paragraph no.12 of the writ petition and if it is found that any post is vacant, then the petitioner becomes entitled to be given the said district as per her merit, if any other candidate don't claim or is not more meritorious than the petitioner.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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