

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.830 of 2025
In
Civil Writ Jurisdiction Case No.7586 of 2018

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Bhola Prasad Singh & Ors.

... .. Petitioners

Versus

The State of Bihar through the Chief Secretary & Anr.

... .. Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Abhinav Shrivastava, Sr. Advocate with Mr. Raushan, Advocate
For the BTSC	:	Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 08-10-2025 The present application has been filed for restoration of C.W.J.C. No.7586 of 2018 which stood dismissed as infructuous vide order dated 24.04.2023 passed by a Co-ordinate Bench of this Court as the Advertisement No.01 of 2019 was cancelled vide order dated 10.04.2023, Adv. No.01/2019 Jr. Engineer by Secretary Incharge, B.T.S.C., Patna.

2. Learned counsel for the petitioners submits that in the case of *Shashi Bhushan Prasad Singh vs. The State of Bihar & Ors.*, judgment dated 04.10.2024 passed in *Civil Appeal No.11030 of 2024* arising out of *SLP (Civil) No.7257 of 2023*, the Hon'ble Supreme Court has disposed of the appeals with the following directions:-



“(i) The Fresh Select List be prepared in view of order dated 19.04.2022 passed by the High Court in CWJC No.7312/2021.

(ii) The Fresh Select List shall also include as far as possible those meritorious candidates who were otherwise eligible but were declared ineligible solely on account of the 2017 amendment to the Rules i.e., on account of their institute not being recognised by the AICTE, and all similarly placed successful candidates.

(iii) The BTSC is directed to prepare the Revised Select List within 3 months of this Order and the State Government is directed to act upon the Revised Select List submitted by the Commission within a period of 30 days thereafter.”

3. Learned counsel for the petitioners has further submitted that the issues raised in CWJC No.7586 of 2018 have again become relevant after passing of Civil Appeal No.11030 of 2024 by the Hon’ble Supreme Court. Learned counsel for the petitioners has stated the following facts in paragraph 16 of the petition:

“16. That it is submitted here that insofar as the issues involved in the connected C.W.J.C. No.7586/2018 are concerned they could never be adjudicated in view of the fact that the impugned provisions of Bihar Water Resources Department Subordinate Engineering (Civil) Cadre Recruitment Rules, 2015 as amended by Bihar Water Resources Department Subordinate Engineering (Civil) Cadre Recruitment (Amendment) Rule, 2017



had already been repealed and replaced by the 2023 Rules and under these aforesaid facts and circumstances upon advertisement no. 01/2019 having been cancelled by the Commission pursuant to the decision taken by the concerned authorities under the State Government in the said respect, the aforesaid C.W.J.C. No. 7586/2018 was dismissed as in fructuous however, after passing of the order dated 04/10/2024 in Civil Appeal No. 11030/2024 by the Hon'ble Supreme Court, which does not, in any manner, pertain to the challenge made in the connected C.W.J.C. No.7586/2018, issues raised in the C.W.J.C. No. 7586/2018 once again become relevant and it is expedient in the interest of justice that the connected C.W.J.C. No. 7586/2018 be restored and heard on merit."

4. For the reasons stated above, the restoration application is allowed.

5. Accordingly, CWJC No.7586 of 2018 is restored to its original file.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

Gaurav Kumar/-

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