

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4733 of 2022

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Md. Nair Azam Son of Abdul Moghni Resident of Village and P.O. - Betaha,
P.S. Bela, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, State Education Research and Training Council, Mahendru, Patna.
4. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1, SC-13
		Mr. Jai Prabhat Kishore, AC to SC-13
For the B.P.S.C.	:	Mr. Neeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 30-08-2025

Heard Mr. Prince Kumar Mishra, learned counsel appearing on behalf of the petitioner; Mr. Jai Prabhat Kishore, learned AC to SC-13 appearing on behalf of the State and Mr. Neeraj Kumar, learned counsel appearing on behalf of the Bihar Public Service Commission.

2. The petitioner is aggrieved by the action of the Bihar Public Service Commission (hereinafter referred to as “the Commission”) in not recommending the petitioner’s candidature for appointment for the post of Lecturer in Urdu subject in the Government Teachers Training College



pursuant to Advertisement No. 06/2016 issued by the Commission.

3. The respondent-Commission had issued the Advertisement No. 06/2016 inviting application for Lecturer in various subjects including Urdu. The total posts advertised for the post of Lecturer in Urdu subject were 16, out of which, 8 posts were for unreserved candidates.

4. The petitioner belongs to unreserved category.

5. It is the case of the petitioner that the Commission, after conclusion of the selection process, published a select list on 28.02.2022, wherein, only seven candidates were selected under the unreserved category for appointment as Lecturer in Urdu subject and according to the petitioner, the petitioner was at serial no.8 in the merit list under the general category. Accordingly, since total 8 posts of Lecturer in Urdu subject under the unreserved category were advertised, the Commission ought to have selected 8 candidates including the petitioner for appointment for the post of Lecturer in Urdu subject.

6. The respondent - Commission has contested the case by filing a counter affidavit, wherein, it has been stated



that the petitioner had obtained 39.005 marks and was placed at serial no. 11 of the overall merit-list.

7. Though, the petitioner is stated to have been ranked at serial no. 11 in the overall merit-list, it has not been denied by the Commission that amongst the general/unreserved category candidates, the petitioner's merit-position is at serial no. 8.

8. The Commission has further stated in the counter affidavit that though 8 posts of Lecturer in Urdu subject was advertised vide Advertisement No. 06/2016 under the general/unreserved category candidates, but only 7 candidates have been selected because of the Resolution of the State Government dated 22.01.2021 to follow the reservation policy meant for the disabled persons.

9. Consequent thereupon, the Commission has decided to keep one post of Lecturer in the Urdu subject reserved for visually impaired candidates to give effect to the Resolution dated 22.01.2021. It is because of the aforesaid reason, the petitioner, though ranked at serial no. 8 under the Unreserved category, could not be recommended for appointment against the 8th post of Lecturer in Urdu subject



under the general category candidates, which has been kept reserved for visually impaired person as stated hereinabove.

10. The respondent-State has also filed a counter affidavit contending the same as that of the respondent – Commission.

11. Upon hearing the learned counsel for the parties as well as on perusal of the materials on record, there remains no dispute that in terms of Advertisement No. 06/2016 issued by the Commission, 8 posts of Lecturer in Urdu subject under general/unreserved category were advertised for the Government Teachers Training College, against which, vide the result/select-list published on 28.02.2022, only 7 candidates under the general/unreserved category for the post of Lecturer in Urdu subject, were selected. It is also not in dispute that the petitioner in the merit list was at serial no. 8 under the general/unreserved category for the post of Lecturer in Urdu subject. The ground for not recommending the name of the petitioner to the Government for appointment is that vide Resolution of the Government dated 22.01.2021 to follow the mandate of the disability law, one post, out of eight posts advertised, has been decided to be kept vacant for the



visually impaired person and since there was no candidate under the visually impaired category, no recommendation could be made for appointment as Lecturer in the subject of Urdu against the 8th post advertised.

12. The Advertisement No. 06/2016 has been made by the respondent-Commission pursuant to a requisition made by the department on 13.05.2015. The requisition sent by the Department to the Commission dated 13.05.2015 has been enclosed by the respondent-Commission as Annexure-R/1 series to the counter affidavit filed.

13. On perusal of the requisition dated 13.05.2015, sent by the Department to the Commission on the basis of which the advertisement was issued and the selection was made pursuant thereto, there is no indication that out of the eight posts of Lecturer in Urdu subject advertised for Government Teachers Training College, one post will be kept reserved for visually impaired person in terms of the mandate of the disability law.

14. Therefore, it appears that at the time the recruitment process started for the post of Lecturer in Urdu subject for Government Teachers Training College, there were



eight vacant posts to be filled up by the General/Unreserved category candidates. Once the selection process has started for filling up of 8 posts of Lecturers in Urdu subject by the Unreserved category, the said vacancies could not have been changed by a subsequent resolution dated 22.01.2021, which is much later in point of time than the date on which the requisition was sent by the Government and the public advertisement was issued by the Commission in which also there was no indication that out of 8 posts advertised for General/Unreserved category candidates of Lecturers in Urdu subject, one post will be kept reserved for visually impaired candidates.

15. Under the circumstances, I am of the considered view that the said vacancy position as indicated in the Advertisement No. 06/2016, issued by the Commission on the basis of the requisition sent by the Department could not have been altered on the basis of Resolution made on 22.01.2021 by the Government which would have the effect of denying the appointment of the petitioner in terms of the Advertisement No. 06/2016.

16. Accordingly, in the facts and circumstances as



stated hereinabove, I find that the petitioner is entitled to be selected for the post of Lecturer in Urdu subject in terms of the Advertisement No. 06/2016 issued by the Commission.

17. Consequently, the respondent-Commission is directed to recommend the name of the petitioner for appointment as Lecturer in Urdu subject in terms of the Advertisement No. 06/2016 forthwith, upon receipt of which recommendation, the respondent-State shall appoint the petitioner as Lecturer in Urdu subject in Government Teachers Training College.

18. The writ petition is disposed off with the above direction.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2025
Transmission Date	NA

