

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6527 of 2025

Vivek Kumar Son of Ramotar Sah Resident of Naryar Road, Naya Bazar,
Ward No.2, P.S. and Dist.-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, General Administration Deptt., Govt. of Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The Addl. Collector, Saharsa.
5. The Deputy Collector, Establishment, Saharsa.
6. The Bihar Staff Selection Commission through its Chairman, P.O.-Veterinary College, Patna.
7. The Secretary, Bihar Staff Selection Commission, P.O.-Veterinary College, Patna.
8. The Officer on Special Duty, Bihar Staff Selection Commission, P.O.-Veterinary College, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Adv.
For the Respondent/s	:	Ms. Prachi Pallavi, Adv.
For the State	:	Mr. Akash Raj, AC to GA5

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-04-2025 Heard Learned Counsel for the petitioner Learned Counsel for the State and Learned Counsel for the Bihar Staff Selection Commission (BSSC).

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for directing the respondents to select the petitioner on the post of Attendant in District Collectariate, Saharsa considering the fact that he has given best performance in the examination of office attendant and he has



been working on Class IV post on daily wages basis since 1994 in the District Collectorate, Saharsa and his name appeared in panel list of year 1995, 1997, 2007, 2014 and 2019.

3. Counsel for the petitioner submits that in the year 1994, the petitioner was engaged in the post of peon in the District Collectorate, Saharsa by competent authority and he has been discharging his duty since then regularly and with full sincerity.

4. Counsel further submits that recently, vacancy has come from the Bihar Staff Selection Commission in which petitioner has participated in the written examination and he has not been selected, instead of the fact that he was working on daily wages since 1994 and his name has appeared in the panel list of year 1995, 1997, 2007, 2014 and 2019..

5. Counsel for the BSSC on the other hand submits that the case of the petitioner is not mature and proper pleading is also not present. She further submits that the post has advertised in compliance of order passed in case of **Kapil Kumar & Ors, Vs. State of Bihar and Ors.** vide order dated 18.12.2019 passed in CWJC No.1861 of 2019 and petitioner has appeared in the written test, but thereafter, he could not be selected.



6. Counsel further submits that in the pleading, it has not been mentioned that whether the petitioner comes under general or reserved category? It has also not mentioned that under which advertisement, he has appeared in the examination. Everything is vague.

7. Counsel for the State submits that it is a contest between the petitioner and the BSSC.

8. In the light of the submissions and upon perusal of the record, it transpires to this Court that the petitioner has filed this writ petition only on this ground that he was working as Class IV post on daily wages since 1994 and his name appeared in the subsequent panel list of year 1995, 1997, 2007, 2014 and 2019, and therefore, there shall be a right accrue with him, to be selected in the said examination. But the presumption which counsel for the petitioner has developed and expressed in the petition, is not correct as the case of Kapil Kumar & Ors. (supra) is very categorical that the selection of Class IV employee shall be made by the BSSC and those who have completed more age, then they shall be permitted to appear in the examination process.

9. It transpires to this Court that the petitioner appeared in the examination process, but could not be selected,



and therefore, by virtue of the ground that he was earlier working and selected in panel of different years, shall definitely accrue the right in favour to the petitioner as in the BSSC examination process, he could not be selected.

10. In this view of the matter, this Court is not inclined to grant any relief to the petitioner and hence, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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