

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.531 of 2021

In

Civil Writ Jurisdiction Case No.14533 of 2019

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Sudhir Kumar Son of Shri Arjun Singh Resident of Village - Subhanpur, P.O.
- Bhatta, District- Nawada, Pin Code - 805130.

... .. Appellant/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Government of
Bihar, Patna.
4. The Director Land Records and Survey Department of Revenue and Land
Reforms Department Government of Bihar, Patna.
5. Amit Kumar Azad Son of Sri Shiv Shankar Yadav Resident of Mohalla
Laxmipuri, Ward No. 14, P.S. and Town and District - Madhepura.

... .. Respondent/s

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with

Letters Patent Appeal No. 321 of 2021

In

CIVIL REVIEW No.402 of 2019

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Sudhir Kumar son of Arjun Singh resident of Village - Subhanpur, P.O. -
Bhatta, District- Nawada, Pin Code - 805130.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department,
government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Government of
Bihar, Patna.
4. The Director of Land Records and Survey Department of Revenue and Land
Reforms Department, Government of Bihar, Patna.
5. Amit Kumar Azad son of Sri Shiv Shankar Yadav Resident of Mohalla
Laxmipuri, Ward No. 14, P.S. and Town and District- Madhepura.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 531 of 2021)

For the Appellant/s : Mr.Abhinav Srivastava, Sr. Advocate
Mr. Pushkar Bhardwaj, Advocate



For the Respondent/s : Mr. Raushan, Advocate
(In Letters Patent Appeal No. 321 of 2021) : Mr.Md. Khurshid Alam (AAG12)
For the Appellant/s : Mr.Abhinav Srivastava, Sr. Advocate
Mr. Pushkar Bhardwaj, Advocate
For the Respondent/s : Mr. Raushan, Advocate
Mr. Majid Mahboob Khan AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-06-2025

Appellant has assailed the order of the learned Single Judge dated 17.10.2019 passed in CWJC No. 14533 of 2019 and he has also filed Civil Review No. 402 of 2019 arising out of CWJC No. 14533 of 2019. Respondent-Amit Kumar Azad and appellant-Sudhir Kumar and others were candidates for selection and appointment to the post of Special Survey Assistant Settlement Officer. Pursuant to Advertisement No. 3 of 2019 notified on 04.03.2019 by Government of Bihar Revenue and Land Reforms Department, Directorate of Land Records and Measurement. Respondent no. 5-Amit Kumar Azad assailed Clause-3(ii) of the advertisement and it relates to providing 50 per cent of horizontal reservation. It is necessary to reproduce Clause-3(ii) and it reads as under:-

“(ii) बिहार राज्य के सरकारी अभियंत्रण
महाविद्यालय से सिविल इंजीनियरिंग में स्नातक प्राप्त



अभ्यर्थियों के लिए सभी आरक्षण कोटि में 50 प्रतिशत
क्षैतिज आरक्षण लागू होगा। "

2. The aforementioned clause was set aside in CWJC No. 14533 of 2019 on 17.10.2019. The appellant-Sudhir Kumar is beneficiary of Clause-3(ii) among others. He was aggrieved by the order of the learned Single Judge dated 17.10.2019 passed in CWJC No. 14533 of 2019 and filed Civil Review No. 402 of 2019. The same was rejected on 25.03.2021, hence these two LPAs insofar as assailing the order of the learned Single Judge dated 17.10.2019 passed in CWJC No. 14533 of 2019 and order dated 25.03.2021 passed in Civil Review No. 402 of 2019 in CWJC No. 14533 of 2019.

3. Mr. Abhinav Srivastava, learned senior counsel for the appellant submitted that State being the contesting respondent in CWJC No. 14533 of 2019, crucial documents have not been placed and apprised to the extent that Clause-3(ii) of the advertisement cited (supra) insofar as 50 per cent of the horizontal reservation is applicable to the post of Special Survey Assistant Settlement Officer. In this regard, he is relying on resolution dated 17.09.2018 (Annexure-R2 to the Civil Review) resolution dated 10.11.2018 (Annexure-R3 to Civil Review) and resolution dated 27.02.2019(Annexure-R4 to Civil Review).



These three documents were essential for the purpose of determining whether the post of Special Survey Assistant Settlement Officer could be provided horizontal reservation of 50 per cent or not. In not assisting the learned Single Judge on behalf of the State, resultantly, the learned Single Judge has set aside Clause-3(ii) of the Advertisement No. 3 of 2019 notified on 04.03.2019. It is a serious error on behalf of the State in not providing sufficient material information to the extent whether 50 per cent of horizontal reservation is applicable to the post of Special Survey Assistant Settlement Officer or not.

4. Having regard to the date of advertisement read with the pendency of litigation for about six years, we could have decided the matter on merit. However, in the light of later development after disposal of CWJC No. 14533 of 2019 certain persons rights were stated to have been created and they have to be heard in the matter.

5. In the light of these facts and circumstances, the appellants have made out a case so as to interfere with the order of the learned Single Judge dated 17.10.2019 passed in CWJC No. 14533 of 2019 read with the order dated 25.03.2021 passed in Civil Review No. 402 of 2019, are set aside and CWJC No. 14533 of 2019 is restored on the file.



6. Both the LPA are allowed in part.

7. The matter is remanded to the learned Single Judge to decide CWJC No. 14533 of 2019 afresh. Since appellants were not party to CWJC No. 14533 of 2019 and their rights have been affected by virtue of the order of the learned Single Judge therefore, they are permitted to file interlocutory application to implead themselves as necessary and proper party. At the same time State departments are also hereby directed to insist before the learned Single Judge to implead such of those persons whose rights are likely to be affected, in the event of allowing CWJC No. 14533 of 2019 or dismissing.

8. Registry is requested to list CWJC No. 14533 of 2019 before the concerned roster Bench on **01.08.2025**.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.25
Transmission Date	NA

