

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.419 of 2022

In
Civil Writ Jurisdiction Case No.20690 of 2018

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1. Vinod Kumar Singh S/o Ram Narayan Singh Resident of Village- Bachari, P.S.- Dhangai, District- Bhojpur.
 2. Raushan Kumar Son of Jitendra Kumar Bihari Resident of Village- Madhuban, P.S.- Madhuban, District- East Champaran.
 3. Suraj Kumar S/o Gopal Sahu Resident of Village- Murlichak, P.S.- Airport, District- Patna.
 4. Subodh Paswan S/o Raj Nandan Paswan Resident of Village- Kakaila, P.S.- Nalanda, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. Bihar Staff Selection Commission through its Secretary, Veterinary College Campus, Patna.
4. The Chairman, Bihar Staff Selection Commission Veterinary College Campus, Patna.
5. Ratneshwar Kumar S/o Ramadhar Prasad Resident of Village- Koluha Paigamberpur Bairia, P.S.- Ahiyarpur, District- Muzaffarpur.
6. Dipak Kumar Sah S/o Gopal Prasad Sah Resident of Village- Kasudi, P.S.- Antichak, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gaurav Govind, Adv Mr. Ashutosh Kumar Pandey, Adv
For the State	:	Mr. Prabhat Kr. Verma, AAG-3. Mr. Saroj Kumar Sharma, A.C. to AAG-3.
For BSSC	:	Mr. Satyabir Bharti, Sr. Advocate Mr. Abhishek Anand, Advocate Ms. Kanupriya, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

17 14-10-2025 Appellants have assailed the order of the learned

Single Judge dated 12.07.2022 passed in C.W.J.C. No. 20690 of



2018. Appellants were candidates for recruitment to various posts conducted by means of a Combined Competitive Main Examination conducted in the year 2014. Having regard to the merits of the appellants, they were non-suited for any of the posts. The matter was heard at length and passed the following order on 27.08.2025 and it reads as under :-

“Matter was heard for sometime.

2. Bihar Staff Selection Commission, Patna, filed a chart vide Annexure-R-3/B, highlighting the information relating to four appellants. Appellants-Vinod Kumar Singh and Suraj Kumar have claimed under BC category and they have secured 499 and 487 marks respectively, whereas the cut-off marks is 503 (last candidate) for the post of Co-operative Extension Officer. Appellant-Raushan Kumar under MBC category has secured 483 marks, whereas the last selected candidate has secured 493 marks. Similarly, Appellant-Subodh Paswan under SC category has secured 437 marks and the last selected candidate under SC category has secured 458 marks. It is further submitted that 597 posts of Co-operative Extension Officer were notified. Bihar Staff Selection Commission, Patna, have recommended 596 posts to the Appointing Authority/State Government. State Government has issued order of appointment to only 521. There is no response from the State official respondents as to why they have restricted in filling up of only 521 posts of Co-



operative Extension Officer instead of 596 is not forthcoming. Therefore, the concerned authority is hereby directed to file a personal affidavit along with the relevant records/decision taken by the State Government or the authority restricting filling up of 521 posts of Co-operative Extension Officer instead of 596. This information shall be furnished. That apart, Bihar Staff Selection Commission, Patna, as well as the State official respondents are hereby directed to apprise as to whether there is concept of preparation of wait list/ additional list or not?, this information shall be furnished only with reference to the relevant Rules of Recruitment governing various posts of Category-B in the State Government.

3. Re-list this matter on 10.09.2025.

4. At this stage, learned counsel for the Appellants submitted that the Bihar Staff Selection Commission, Patna, have recommended for various posts like Secretariat Assistant- 332, Child Protection Officer-20, Superintendent (Social Welfare Department)-4, Auditor-129 as against 130 posts, Accountant-cum-Store Keeper-24, House Keeper-cum-Clerk-65. On the other hand, Appointing Authority/State Government have not filled up the aforementioned recommended all the xposts. On the other hand, they have restricted in the following manner, namely:

“i. Secretariat Assistant-316.

ii. Child Protection Officer-16.



iii. *Superintendent(Social Welfare Department)-2.*

iv. *Auditor-105.*

v. *Accountant-cum-Store Keeper-16.*

vi. *House Keeper-cum-Clerk-30.”*

In this regard, the concerned State official respondents are hereby directed to apprise this Court as to why they have not filled up all those vacancies which were recommended by the Bihar Staff Selection Commission, Patna. In this regard, whatever the decisions taken on the administrative side shall be furnished in original on the next date of hearing, failing which adverse order would be passed against such of those custodian of those records (State officials).”

2. Perusal of the material information, the respondent Commission has recommended 596 candidates for selection and appointment to the post of Co-operative Extension Officer for which each of the appellants are eligible and for remaining post, they are not eligible. In the order dated 27.08.2025, we have taken note of the cut off marks secured by the last candidate under each of the category. Obviously, the appellants have secured lesser marks than the last selected candidate (cut off marks). However, the next question for consideration is whether non-reporting of such of those candidates for about 75



candidates among 596 candidates, whether appellants could be considered for selection and appointment to those 75 post of Co-operative Extension Officer or not is the subject matter. In other words, on recommendation of 596 candidates for the post of Co-operative Extension Officer, the State Government has appointed 596 whereas only 521 candidates have reported for duty. The remaining 75 vacancies were required to be carried forward to the next recruitment as per the State Government policy.

3. Learned counsel for the appellants submitted that the appellants are entitled to be considered against such of those non-reporting vacancies/posts-75 posts. In this regard, the appellants have failed to apprise this Court that their names were reflected in the merit list so as to operate the merit list. We have perused the number of records which do not reveal preparation of waiting list in addition to the merit list. No doubt, appellants have been invited for counselling with reference to policy decision of the Commission to the extent that number of posts were required to be recommended read with the counselling would be in addition to the number of posts, 10% of the vacancies. The total vacancies are 3282 for which they had invited for counselling 3611 including appellants herein.



Appellants have no vested right to the extent that their names were reflected in the counselling list. In fact, Hon'ble Supreme Court time and again held that merely reflecting candidates name in the select list does not have any vested right.

4. Taking note of the aforementioned material information, even though 75 vacancies have not been utilized by the State Government for want of non-reporting selected candidates, the same is required to be carry forward to the next recruitment in the absence of operating any existing waiting list. In the absence of preparation of waiting list for these many posts, the appellants have no vested right to claim against the post for selection and appointment on the mere fact that their names are reflected in the counselling. In fact, appellants' name were not even reflected in the merit list. Further, there is no provision for preparation of waiting list. In the light of these facts and circumstances, the appellants have not made out a case. Accordingly, L.P.A. stands dismissed.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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